

CANADIANA

MAY 26 1993

1992 BILL 51

DISCUSSION GUIDE

A NEW MUNICIPAL GOVERNMENT ACT FOR ALBERTANS

Comment Deadline: November 30, 1992



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All Interested Albertans:

Since 1987 the Municipal Statutes Review Committee has been engaging interested Albertans in a discussion that will affect us all where we live and work and play. The subject is how we should prepare Municipal Government in Alberta for the 21st century.

Bill 51, our proposed new Municipal Government Act says that municipalities should be able to do anything they need to do to carry out the purposes of municipal governments within certain limits. These limits are related to your interests as an individual, the interests of other municipalities and the responsibilities of the province.

A major objective of the White Paper on the Property Assessment Act is to make the assessment system more comprehensible to the taxpayer. While none of us enjoy taxation, all of us want it to be fair, reasonable, and logical. The Property Assessment Act attempts to improve confidence in the assessment process.

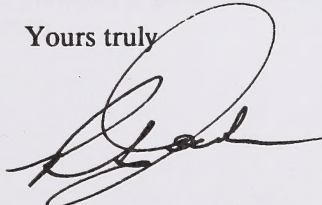
I invite every interested individual and group to take advantage of this opportunity to influence what municipal government will be like in Alberta in the next century. I will make department staff available for information sessions, if that would help you in preparing your comments. I assure you that your comments can make a difference to the final Bills next spring.

Please send me your comments to me:

Honourable Dick Fowler, Q.C.
Municipal Legislation Review
Room 1780 CityCentre
10155 - 102 Street
Edmonton Alberta T5J 4L4

by November 30 so that we can ensure that all interested Albertans have input into the new Municipal Government Act and the new Property Assessment Act.

Yours truly



R.S. (Dick) Fowler Q.C.
Minister of Municipal Affairs

WHY DO WE HAVE THIS DISCUSSION GUIDE?

This Discussion Guide is intended to help you to comment on the proposed new Municipal Government Act.

The Guide suggests some characteristics of the Bill that you may want to think about and comment on. It points out where there are changes from the existing legislation affecting our system of municipal government.

However, the Guide is not intended to limit your comments. You may well wish to comment on subjects that are not raised in the Guide and those comments are most welcome.

Alberta's new Municipal Government Act will probably be the model used by other provinces for the next decade. So we want it to be the best Act possible for our times and our situation.

If we are to achieve that objective, we need your advice and comments.

PLEASE SEND YOUR COMMENTS TO:

**Honourable Dick Fowler Q.C.
Municipal Legislation Review
Room 1780, CityCentre
10155 102 Street
Edmonton, Alberta
T5J 4L4**

REMEMBER THE COMMENT DEADLINE IS NOVEMBER 30, 1992

HOW TO COMMENT

We're not really looking for legal briefs (although those would be welcomed too!).

All you have to do is to jot down your thoughts in a letter and send them to us.

If they are general comments, just tell us what your ideas are.

If you want to make a specific comment on a section, please tell us what the section number is and then provide your advice. For example, you might say: "1001 - this should say "The council must" because I think this is a decision the council should make, not the administration".

Please include your address and telephone number, if possible, so that we can contact you if we need further explanation of your concern.

HOW TO GET STARTED

If you are not used to reading legislation (and maybe even if you are) you may have trouble getting started.

Here's how the Act is organized. To start with you'll find some definitions and some provisions that apply throughout the Act (sections 1 & 2). You need to remember these provisions. When the words or terms are used throughout the Act they mean the things that these provisions say they mean.

Next we have the purpose of the Act and the basic powers of a municipality to carry out those purposes (sections 3 - 15). You should think about these carefully because everything else in the Act flows from them.

Then we have the provisions about how a municipality is set up and how the council and administration work (sections 16 - 149). These include provisions that limit the general powers. These limitations are related to your interests as an individual, the interests of other municipalities and the responsibilities of the province.

Public participation procedures are described next (sections 150 - 172).

Following that are the provisions about finances - budgeting, reporting, taxation and borrowing (sections 173 - 314). The budget and taxation provisions come from the existing Municipal Taxation Act.

Then there are some "legal" provisions (sections 315 - 355). They deal with municipal liability and how you can challenge municipal actions through the court system. And there are miscellaneous general provisions (sections 356 - 366).

Next to last is the Local Governance Commission, a new suggestion intended to provide a way of resolving issues between municipalities (sections 367 - 375).

Then there are transitional and consequential provisions (sections 376 - 393). These describe how we move from the existing legislation to the new and what amendments are required to other Acts in order to implement the new philosophy.

Finally there is a Schedule which provides examples of the types of bylaws which could be passed under each of the spheres of jurisdiction.

PLAIN LANGUAGE

The first thing you might comment on is the way the Bill is written. Is it written in plain language that you can understand? Does the language communicate clearly and effectively? Are all the words that seem to have special meanings defined in the definitions section?

Is the organization of the Bill easy to follow - does it seem to flow in a logical way or would there be a better way of organizing it? Does it provide you with the information you need to know about how a municipality operates?

Does it fit your needs, as an elected or appointed municipal official or as a taxpayer or elector? Are there any other primary users who might have different needs that are not satisfied by the way it is written?

WHAT'S MISSING?

As you read through the Bill, maybe you could keep notes of things that pop into your head that might be missing from the Bill. As you read along you'll likely be thinking to yourself "I wonder where it says ...?". Keep notes of those thoughts.

We've tried to look at every section in the existing Municipal Government Act that was not directly included in the Municipal Statutes Review Committee proposal. We looked at whether they are covered in either the natural person powers or the spheres of jurisdiction or indirectly somewhere else, and if they're not then tried to determine whether they are necessary.

However we may well have missed some things or decided to leave out some things you think should be in and so your notes or questions about "Where is this covered?" will be very useful.

NATURAL GAS FRANCHISES AND ANNEXATION

One thing missing is the procedure for determining natural gas service when part of the service area of a rural gas co-op is annexed to a town where there is another gas franchise in place. This is being discussed by a special committee which hasn't reached a conclusion yet. The results of the committee's work will be included in the Bill next spring.

WHAT'S INCOMPLETE?

Similarly as you read along you'll probably have some thoughts popping into your head like "How is my municipality going to do that?" Keep note of them too. The Municipal Statutes Review Committee wanted the Act to focus on the "what" and leave the "how" (as far as possible) to local decisions. That's to give the flexibility that everyone wants to make the local government fit the community.

Over the next year, we'll be producing some resource material on how to use the new Act and it would be helpful to us to know what parts or provisions we should be concentrating on to be of greatest assistance to the people on the front line, both municipal officials and the general public.

NATURAL PERSON POWERS

One of the major innovations in the MSRC proposal is that the Act should say a municipality has the powers of an individual except as they are limited by legislation. This isn't really earth-shaking because several years ago the new Business Corporations Act said that about companies and all this proposal does is to extend the same concept to municipal corporations.

But in the municipal world it is a significant change. In the whole history of municipal government in Canada we've been used to looking for the words in legislation that said a council could do something and if you couldn't find the words you couldn't do it. The natural person powers and spheres of jurisdiction proposals turn that around. Basically your municipality can do anything it needs to do to carry out the purposes of municipal government unless the ability to do it is limited by legislation. That's why we talked about this being the lead legislation in Canada.

So as you read the Bill you should be thinking about whether there is anything that you can do as an individual that a municipality either should not be able to do or should be limited in doing in some way or another.

There are some limits already proposed, many of which are in the existing Act. They are related to three things: the impact of council decisions on individuals, on other municipalities and on the province's constitutional responsibilities. Maybe you'd want to look at those limits, see if some of them are not appropriate in your view or if others should be added.

SPHERES OF JURISDICTION

The other major innovation is providing bylaw-making authority by "spheres of jurisdiction". Individuals do not have the power to make law and so there has to be a special provision to give council that authority. But instead of having a whole list of sections detailing what local law your council can make, the proposal is to provide that authority by general subject areas or spheres of jurisdiction. The Schedule at the end provides examples of bylaws that might be passed under each sphere.

When you read the Bill you should spend some time on the spheres provision. We don't want to accidentally remove an important bylaw-making power nor to include powers that you do not think are appropriate.

LOCAL GOVERNANCE COMMISSION

The Municipal Statutes Review Committee thought that the best solution to both boundary issues, and any other issues between municipalities, would be a solution developed by the affected municipalities. And it saw a role for a provincial agency in facilitating the local resolution of local issues.

So it proposed the Local Governance Commission. The whole purpose for existence of the Commission would be to facilitate by whatever means possible successful local negotiations when issues arise that affect more than one municipality. It could do this either with its own staff or by contracting with people who have special mediation skills to help the parties in the process of reaching agreements.

All proposals for incorporation, annexation, change of status and dissolution of a municipality would be made to the Commission. It would either monitor direct negotiations between the affected municipalities or convene them and there would have to be public consultation, information and/or participation opportunities during the negotiations. The Commission would recommend the necessary decisions to the Minister, together with any terms and conditions that should be attached. The Minister would take the recommendation to Cabinet and eventually an Order in Council would result.

It could have a similar role in other inter-municipal concerns and agreements except the kinds of intermunicipal disputes that are now reserved for the Alberta Planning Board.

The Commission would take over the territorial responsibilities of the Local Authorities Board and some of the activities of the Municipal Services Branch of the department related to incorporation, dissolution and the informal mediation activities of the Branch. So there will not be a big bureaucracy added as a result of this recommendation.

When you read the Bill, see if the way the Commission will operate is clear to you and if you have any suggestions for improving it.

WHAT ELSE TO LOOK FOR

Some other things that you might want to have a special look at are:

access to information provisions - have been included basically as the Municipal Statutes Review Committee recommended them. When the provincial freedom of information legislation is available, readers should compare the two approaches and determine which is most appropriate for municipalities.

"business" definition - this is a broader definition than in the existing Act. It particularly affects business licensing and business taxation. Is the proposed definition appropriate?

business revitalization zones - the provisions are basically the same as in the existing Act but some procedural changes have been included. Should there be other changes and, if so, what changes?

councillor's responsibilities - there is a proposal for a description of the responsibilities of an individual member of council (the existing act just talks about the responsibilities of the council - the councillors collectively)

liability changes - the proposal attempts to address recent court decisions by limiting municipal liability to instances where the municipality really was at fault. It also suggests that any personal injury awards of more than \$250,000 should be by structured payments rather than in a lump sum unless otherwise agreed between the municipality and the injured person.

offences - section 345 says anyone who contravenes a provision of the Act is guilty of an offence. Section 352 says someone convicted of an offence is liable to a fine of up to \$10,000 or to imprisonment or both. Is that appropriate or should there be a list of sections to which the offence provision applies? Which ones?

provincially authorized municipal taxes - there is a provision that new taxation powers might be given to one, some or all municipalities which might have special uses attached to them. The authorization would be by Order-in-Council and there is a five year "sunset" clause on such Orders. That allows for a trial period to see how the tax works after which the taxing power would terminate unless a new Order was passed or the Act was amended to renew the power. Is that a good idea?

retroactive taxation - in the Property Assessment Act Discussion Paper you will find discussion of revising an assessment for five previous years if it is discovered that someone purposely withheld information from an assessor. If that happens should there be power to adjust the taxes owing for the same period or should there be a procedure for a court review of what is fair in the circumstances?

roads - a number of existing provisions regarding roads have been omitted on the theory that grouping all of the provisions into the Public Highways Development Act would provide better access to legislation regarding roads. Do you agree?

special taxes - there is a proposal that there might be a special tax rate imposed on an area of a municipality which receives a service that is not available elsewhere in it. Is that a good idea?

CONCLUSION

This has been a very sketchy summary of the most significant thing that is likely to happen during our active participation in Alberta's municipal life.

We're living in a time of tremendous change everywhere. Things are not going to remain the same no matter how much we might want that. What we have to do is cope, to harness the currents of change, to respond creatively to the evolving world. The biggest question for you to consider is: does the new legislation do that?

Does this seem like the kind of Act that will work for us into the 21st century?

Now it's your turn. Read the Bill and give us your comments.

REMEMBER TO SEND YOUR COMMENTS TO:

**Honourable Dick Fowler Q.C.
Municipal Legislation Review
Room 1780, CityCentre
10155 102 Street
Edmonton, Alberta
T5J 4L4**

BY NOVEMBER 30, 1992

1992 BILL 51

Fourth Session, 22nd Legislature, 41 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 51

MUNICIPAL GOVERNMENT ACT

MR. CLEGG

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 51

1992

MUNICIPAL GOVERNMENT ACT

(Assented to , 1992)

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Schedule

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:

Interpretation **1(1)** In this Act,

- (a) “business” means
 - (i) a commercial, merchandising or industrial activity or undertaking,
 - (ii) a profession, trade, occupation, calling or employment, and
 - (iii) an activity providing goods or services,whether or not for profit and in whatever form the business is practised, including a co-operative or association of persons;
- (b) “business revitalization zone” means a business revitalization zone established under Division 6 of Part 8;
- (c) “by-election” means an election to fill a vacancy on a council other than at a general election;
- (d) “chief administrative officer” means a person appointed to a position under section 116;
- (e) “chief elected official” means the person elected or appointed as chief elected official in accordance with section 67;
- (f) “council” means
 - (i) the council of a city, town, village, summer village, municipal district or specialized municipality,

- (ii) the board of administrators of a new town under the *New Towns Act*,
 - (iii) the council of a county under the *County Act*,
 - (iv) the council of a town under the *Parks Towns Act*, or
 - (v) the council of a municipality incorporated by a special Act;
- (g) “council committee” means a committee, board or other body established by a council under this Act;
- (h) “councillor” includes the chief elected official;
- (i) “designated officer” means a person appointed to a position under section 118(1) or, if no person has been appointed, the chief administrative officer;
- (j) “elector” means a person who is eligible to vote for the election of the members of a council under the *Local Authorities Election Act*;
- (k) “enactment” means
 - (i) an Act of the Legislature of Alberta and a regulation made under an Act of the Legislature of Alberta, and
 - (ii) an Act of the Parliament of Canada and a statutory instrument made under an Act of the Parliament of Canada,
 but does not include a bylaw made by a council;
- (l) “general election” means an election held to fill vacancies on council caused by the passage of time, and includes a first election;
- (m) “Governance Commission” means the Local Governance Commission established under section 367;
- (n) “hamlet” means
 - (i) an unincorporated community consisting of a group of 5 or more occupied dwellings, a majority of which are on parcels of less

than 1850 square metres, with a defined boundary, a distinct name and the existence of or provision for non-residential uses, that is designated as a hamlet by the council for the municipal district, county or specialized municipality in which the community is located or by the Minister,

- (ii) a hamlet as defined in the *Improvement Districts Act*, or
- (iii) any area declared to be a hamlet by the Minister before July 1, 1986 unless the declaration is revoked by the Minister;
- (o) “hospital” has the same meaning as it has in the *Hospitals Act*;
- (p) “land” means an estate or interest in land, or physical land including buildings, or both, excluding mines and minerals;
- (q) “Land Compensation Board” means the Land Compensation Board established under the *Expropriation Act*;
- (r) “linear property” has the same meaning as it has in the *Property Assessment Act*;
- (s) “local authority” means
 - (i) a municipal authority,
 - (ii) a district as defined in the *Hospitals Act*,
 - (iii) a district or division as defined in the *School Act*,
 - (iv) a regional services commission under the *Regional Municipal Services Act*, and
 - (v) a regional planning commission established under the *Planning Act* and if there is no regional planning commission, the Deputy Minister;
- (t) “local tax” means any of the following:
 - (i) property tax;

- (ii) business tax;
 - (iii) special tax;
 - (iv) provincially authorized local tax;
 - (v) local improvement tax;
 - (vi) business revitalization zone levies;
- (u) “Minister” means the Minister of Municipal Affairs;
- (v) “municipal associations” means
 - (i) the Alberta Association of Municipal Districts and Counties or any successor of that Association,
 - (ii) the Alberta Urban Municipalities Association or any successor of that Association, and
 - (iii) the Rural and Improvement Districts Association of Alberta or any successor of that Association;
- (w) “municipal authority” means a municipality, improvement district and special area and, if the context requires, in the case of an improvement district and special area,
 - (i) the geographical area of the improvement district or special area, or
 - (ii) the Minister, where the improvement district or special area is authorized or required to act;
- (x) “municipal formation rules” means the applicable rules for the formation of a municipality contained in sections 19 to 25;
- (y) “municipality” means
 - (i) a city, town, village, summer village, municipal district or specialized municipality,
 - (ii) a new town under the *New Towns Act*,

- (iii) a county under the *County Act*,
- (iv) a town under the *Parks Towns Act*, or
- (v) a municipality formed by special Act,

or, if the context requires, the geographical area within the boundaries of a municipality described in subclauses (i) to (v);

(z) “owner” means

- (i) in respect of unpatented land, the Crown,
- (ii) in respect of other land, the person who is registered under the *Land Titles Act* as the registered owner of it, or
- (iii) in respect of personal property, the person in lawful possession of it;

(aa) “parcel” means

- (i) any unsubdivided block or any lot, or any part of such a block or lot, in any area of land of which a plan of subdivision is registered in a land titles office;
- (ii) where a building affixed to the land that would without special mention be transferred by a transfer of land has been erected on 2 or more lots, all those lots;
- (iii) if there is no plan of subdivision, a quarter section of land according to the system of surveys under the *Surveys Act* or any other area the description of which has been approved by the proper land titles office;
- (iv) the land forming a railway, irrigation or drainage right of way;

(bb) “pecuniary interest” means pecuniary interest within the meaning of Division 6 of Part 3;

(cc) “population” means the population as determined in accordance with the regulations;

(dd) “public utility” means a system or works requiring property of a municipality, property under the

direction, control and management of the municipality or a watercourse for its construction, operation or maintenance and that provides one or more of the following for public consumption, benefit, convenience or use:

- (i) water or steam;
 - (ii) sewage disposal;
 - (iii) public transportation;
 - (iv) irrigation;
 - (v) fuel;
 - (vi) electric power;
 - (vii) heat;
 - (viii) waste management;
- (ee) “road”
- (i) means land used or surveyed for use as a public road, and
 - (ii) includes a bridge forming part of a public road and any structure incidental to the public road or bridge;
- (ff) “taxpayer” means a person liable to pay a local tax;
- (gg) “whole council” means
- (i) the number of councillors comprising the council as provided under section 60,
 - (ii) if the council is not required to hold a by-election during a period referred to in section 77 or 78, the remaining councillors, or
 - (iii) if the Minister orders that a lesser number of councillors constitutes a quorum, the lesser number ordered by the Minister to be a whole council.

(2) For purposes of this Act, the place of residence of a person is governed by the rules set out in section 48(1) of the *Local Authorities Election Act*, as far as they are applicable.

(3) If a person maintains 2 or more residences under the rules in the *Local Authorities Election Act*, the person must elect which is to be that person's residence under this Act.

Conflicting
Acts

2 If there is an inconsistency between this Act and

- (a) the *County Act*,
- (b) the *New Towns Act*,
- (c) the *Parks Towns Act*, or
- (d) a special Act forming a municipality,

those other Acts prevail.

Purpose of the
Act

3 The purpose of this Act is to provide a framework for municipal government in Alberta that will enable municipalities

- (a) to provide necessary or desirable services and facilities for the benefit of people and property generally,
- (b) to promote safe, viable and pleasing communities, and
- (c) to be effective and efficient and also responsive and accountable.

PART 1

POWERS AND DUTIES OF MUNICIPALITIES

Division 1

Jurisdiction of Municipalities

Individual
capacity,
rights, powers
and privileges

4(1) A municipality

- (a) except to the extent provided by this or any other enactment has the capacity of a natural person and the rights, powers and privileges of a natural person,

- (b) has the functions that are described in this and other enactments,
- (c) has the duties that are imposed on it by this and other enactments and those that the municipality imposes on itself as a matter of policy, and
- (d) has, through its council, the power to make laws by passing bylaws under this and other enactments.

(2) Subject to section 114, the powers, other than the power to make bylaws, given to a municipality by this Act, any other enactment or bylaw may be exercised by the council or by the chief administrative officer, unless the council otherwise provides.

Division 2

General Power to Pass Bylaws

Spheres of
jurisdiction

5(1) A council may pass bylaws in relation to matters coming within the following spheres of jurisdiction:

- (a) the protection of persons and property and the regulation of nuisances;
- (b) the regulation of
 - (i) gatherings of people, and
 - (ii) any activity or thing
 in a public place or place that is open to the public;
- (c) the regulation of transport and transportation systems;
- (d) the regulation of business, business activities and persons engaged in business;
- (e) the regulation of services, public utilities or other activities that are necessary or desirable for persons or property;
- (f) the regulation of wild and domestic animals and activities in relation to them;
- (g) the regulation of any activity or thing that endangers or affects the safety, health or convenience of others;

- (h) the regulation of any activity or thing that endangers or affects the environment;
 - (i) respecting the establishment and collection of fees, costs, rates, tolls or charges for services, activities of or things provided or done by the municipality, or for the use of the municipality's property including property under the direction, management and control of the municipality;
 - (j) the enforcement of bylaws made under this section or any other enactment, including any or all of the following:
 - (i) the creation of offences;
 - (ii) for each offence, imposing a fine not exceeding \$10 000 or imprisonment for not more than one year, or both;
 - (iii) providing for the imposition of a penalty for an offence that is in addition to a fine or imprisonment so long as the penalty relates to a fee, cost, rate, toll or charge that is associated with the conduct that gives rise to the offence;
 - (iv) providing for imprisonment for not more than one year for non-payment of a fine or penalty;
 - (v) providing that a person who contravenes a bylaw may pay an amount established by bylaw and if the amount is paid, the person will not be prosecuted for the contravention;
 - (vi) providing for inspections to determine if bylaws are being complied with;
 - (vii) providing for the remedy of contraventions of bylaws;
 - (k) the good government of the municipality.
- (2) In this section, "regulation" includes the power to prohibit.

Restriction on
power to pass
bylaws

6 The power to pass a bylaw under this Division

- (a) does not include the power to pass a bylaw in respect of a matter over which other sections of this or any other enactment empowers the passing of a bylaw, and
- (b) cannot be used to expand the power to pass a bylaw in respect of a matter over which other sections of this or any other enactment empowers the passing of a bylaw.

Natural person
powers

7 The power to pass bylaws under this Division does not affect the natural person capacity or the natural person rights, powers and privileges of a municipality.

Guides to
interpreting
power to pass
bylaws

8 The power to pass bylaws under this Division is stated in general terms to

- (a) give broad authority to councils and to respect their right to govern the municipality in whatever way the council considers appropriate, within the jurisdiction given to them under this or any other enactment,
- (b) enhance the ability of councils to respond to present and future issues in their municipalities, and
- (c) allow councils to carry out the purposes of this Act in a way that the councils consider to be appropriate.

Examples

9(1) The Schedule sets out examples of bylaws that may be passed by a council under this Division.

(2) The examples in the Schedule

- (a) are illustrative and indicative only, not exhaustive, and
- (b) do not and are not intended to limit the powers to pass bylaws of council.

Division 3

Scope of Bylaws

- Geographic area of bylaws** **10** Bylaws of a municipality apply only inside its boundaries unless
- (a) one municipality agrees with another municipality that a bylaw passed by one municipality has effect inside the boundaries of the other municipality and the council of each municipality passes a bylaw approving the agreement, or
 - (b) this or any other enactment says that the bylaw applies outside the boundaries of the municipality.
- Relationship to Provincial law** **11** If there is an inconsistency between this or another enactment and a bylaw, the bylaw is of no effect to the extent of the inconsistency.

Division 4

Passing a Bylaw

- Bylaw readings** **12(1)** Every proposed bylaw must have 3 distinct and separate readings.
- (2) Each councillor present at the meeting at which first reading is to take place must be given or have had the opportunity to review the full text of the proposed bylaw before the bylaw receives first reading.
 - (3) Each councillor present at the meeting at which third reading is to take place must, before the proposed bylaw receives third reading, be given or have had the opportunity to review the full text of any amendments that were passed after first reading.
 - (4) A proposed bylaw cannot have more than 2 readings at a council meeting unless the councillors present unanimously agree to consider third reading.
 - (5) Only the title or identifying number need be read at each reading of the bylaw.
- Cancellation of previous bylaw readings** **13** The previous readings of a proposed bylaw are rescinded if the proposed bylaw
- (a) does not receive third reading within 2 years of first reading, or

- (b) is defeated on second or third reading.

Coming into
force

14 Unless otherwise provided in this or any other enactment, a bylaw comes into force

- (a) when it receives third reading,
- (b) at the beginning of the day or days specified in the bylaw after the bylaw receives third reading, or
- (c) if approval of the bylaw is required under this or any other enactment, at the beginning of the day the approval is given or at the beginning of the day or days specified in the bylaw after the approval is given.

Amendment
and repeal

15(1) The power to pass a bylaw under this or any other enactment includes a power to amend or repeal the bylaw.

(2) The amendment or repeal must be made in the same way as the original bylaw and is subject to the same consents or conditions that apply to the passing of the original bylaw, unless this or any other enactment provides otherwise.

PART 2

FORMATION, ANNEXATION, STATUS CHANGE AND DISSOLUTION OF MUNICIPALITIES

Division 1 General Criteria

Principles,
standards and
criteria

16 The Minister may by order establish and publish principles, standards and criteria about the viability of municipal authorities which are to be taken into account in considering any matter relating to the formation, dissolution, amalgamation or annexation of land or other changes to the boundaries or municipal status of municipal authorities.

Application to
Commission

17 Every application to

- (a) form or dissolve a municipality,
- (b) change the status of a municipal authority,
- (c) amalgamate municipal authorities, or

- (d) annex land to or separate land from a municipal authority

must be made to the Governance Commission.

Division 2 Formation of Municipalities

Types of
municipality
that may be
formed under
this Act

18 The following types of municipality may be formed under this Division:

- (a) a summer village;
- (b) a village;
- (c) a municipal district;
- (d) a town;
- (e) a city;
- (f) a specialized municipality being
 - (i) a combination of 2 or more of the types specified in clauses (a) to (e) or a modification of any one or more of them, or
 - (ii) a new type of municipality,that is given the status of a city, town, village, summer village or municipal district or some other status that is appropriate to its form.

Municipal
formation rules

19(1) In order to establish viable municipalities that are capable of generating local leadership and providing and paying for necessary and desirable facilities and services, the rules provided in sections 20 to 25 apply to the formation of the types of municipalities referred to in section 18.

(2) The Minister may by order, in a particular case, make minor modifications to the municipal formation rules if the Minister considers there is justifiable reason for doing so.

Municipal
district

- 20** A municipal district may be formed for an area in which
- (a) a majority of the buildings used as dwellings are on parcels with an area of at least 1850 square metres, and
 - (b) there is a population of 1000 residents or more.

Summer
village

- 21** A summer village may be formed for an area in which, at the time a request for a formation study under section 26 was made,
- (a) there were at least 60 parcels that had buildings used as dwellings located on them,
 - (b) a majority of the persons whose names are on the tax roll for land in that area did not reside in that area, and
 - (c) there was a population of less than 300 residents.

Village

- 22** A village may be formed for an area in which
- (a) a majority of the buildings are on parcels smaller than 1850 square metres, and
 - (b) there is a population of 300 residents or more.

Town

- 23** A town may be formed for an area in which
- (a) a majority of the buildings are on parcels smaller than 1850 square metres, and
 - (b) there is a population of 1000 residents or more.

City

- 24** A city may be formed for an area in which
- (a) a majority of the buildings are on parcels smaller than 1850 square metres, and
 - (b) there is a population of 10 000 residents or more.

Specialized
municipality

- 25** A specialized municipality may be formed for an area
- (a) in which the Minister is satisfied that a type of municipality referred to in section 18(a) to (e) does

not meet the needs of the residents of the proposed municipality,

- (b) to provide for a form of local government that, in the opinion of the Minister, will provide for the orderly development of the municipality to a type of municipality referred to in section 18(a) to (e) or to another form of specialized municipality, or
- (c) in which the Minister is satisfied for any other reason that it is appropriate in the circumstances.

Commence-
ment of
procedure by
formation
study request

26(1) The procedure for forming a summer village, village, municipal district, specialized municipality, town or city under this Division commences with the making of a request to the Governance Commission for a formation study.

(2) A request for a formation study for a summer village must be made

- (a) by a petition of a majority of the persons whose names are on the tax roll for land inside the boundaries of the proposed summer village, or
- (b) by a council.

(3) A request for a formation study for a village, municipal district, town, city or specialized municipality must be made

- (a) by a petition of electors numbering at least 30% of the population residing inside the boundaries of the proposed municipality,
- (b) by a council, or
- (c) by the Minister acting alone or with an advisory council.

(4) The Governance Commission shall send a copy of a request for a formation study to the Minister as soon as possible after it is received by the Governance Commission.

(5) A request under this section must specify the boundaries of the proposed municipality.

27(1) If the Governance Commission is satisfied that the municipal formation rules applicable to the proposed municipality are met or, in the case of a proposed specialized municipality, that there are circumstances that make the formation of a specialized municipality desirable, the Governance Commission shall, unless the Minister otherwise orders, prepare a formation study in which it shall consider at least

- (a) the overall viability, including the financial viability, of
 - (i) the proposed municipality operating as a separate entity, and
 - (ii) any remaining municipality continuing to operate as a separate entity,
- (b) sound land use planning principles as they relate to the proposal,
- (c) the principles, standards and criteria referred to in section 16,
- (d) any agreements on common boundaries that are filed with the Governance Commission, and
- (e) whether the name proposed for the municipality complies with the *Historical Resources Act*.

(2) The Governance Commission shall, in preparing the formation study,

- (a) invite comments on the proposal from all local authorities that the Governance Commission considers may be affected by the formation of the proposed municipality and from any other person it considers necessary,
- (b) invite comments on the proposal from the public, and
- (c) conduct at least one public meeting to discuss the probable effects of the proposal.

(3) At a public meeting referred to in subsection (2)(c), the Governance Commission may conduct a vote of the persons who would be electors in the proposed municipality on the formation.

(4) On completion of the formation study, the Governance Commission shall send a copy to the Minister and to the local

authorities and other persons that the Governance Commission considers may be affected by the proposed formation.

**Vote on
formation**

28(1) After the formation study has been provided to the Minister, the Minister must hold a vote of those persons who would be electors in the proposed municipality on the proposed formation if

- (a) the Governance Commission found in the formation study that the financial and overall viability described in section 27(1)(a) are established, and
- (b) the study is otherwise satisfactory to the Minister.

(2) The Minister shall conduct the vote

- (a) in accordance with the *Local Authorities Election Act*, or
- (b) if in the opinion of the Minister all or any of the procedures under that Act should be modified, in accordance with that Act as modified by directions given by the Minister.

(3) A vote on the proposed formation need not be held if

- (a) the Minister is satisfied that a vote held under section 27(3) fairly represents the opinion of the persons who would be electors in the proposed municipality, or
- (b) the Minister acting alone or with an advisory council made the request for a formation study.

(4) The *Regulations Act* does not apply to directions under subsection (2).

**Deemed
application**

29(1) If the vote under section 28(1) or the vote referred to in section 28(3) is in favour of the formation, an application to the Governance Commission for formation is deemed to have been made.

(2) If a vote referred to in subsection (1) was not in favour of the formation and the Minister had requested the formation study, the Minister may apply to the Governance Commission for the formation.

Division 3 Change of Status

Change of
status

30(1) The procedure for changing the status of a summer village, village, municipal district, specialized municipality, town or city commences with the making of an application to the Governance Commission.

(2) An application for a change in status may be made

- (a) by a petition of a majority of the electors in the municipality,
- (b) by a council, or
- (c) by the Minister, if in the opinion of the Minister the municipality no longer meets the municipal formation rules applicable to its existing municipal status or, in the case of a specialized municipality, the reasons for its original formation as a specialized municipality no longer exist, and if the Minister has told the council that he intends to make the application.

Division 4 Annexation and Amalgamation

Commence-
ment of
annexation or
amalgamation
proceedings

31(1) The procedure for the annexation by a municipal authority of land abutting its boundaries or for the amalgamation of 2 or more municipal authorities commences when a municipal authority gives written notice of its proposed annexation or amalgamation to the one or more municipal authorities from which the land is to be annexed or with which it proposes to amalgamate, and to the Governance Commission.

(2) The notice for an annexation must

- (a) include a description of the land sought to be annexed and the reasons for the proposed annexation,
- (b) state that the initiating municipal authority proposes either
 - (i) to negotiate the annexation directly with the municipal authorities from which the land is to be annexed, or
 - (ii) to request the Governance Commission to take responsibility for the negotiations

between the initiating municipal authority and the one or more municipal authorities from which the land is to be annexed,

and

- (c) if the notice proposes direct negotiations with the affected municipal authorities from which the land is to be annexed, include proposals for
 - (i) consulting with the public about the proposed annexation, and
 - (ii) meeting with the owners of that land, and keeping them informed about the progress of the negotiations.

(3) The notice for an amalgamation must

- (a) include the names of all the municipal authorities that are to be amalgamated and the reasons for the proposed amalgamation,
- (b) state that the municipal authority proposes either
 - (i) to negotiate the amalgamation directly with the other municipal authorities with which it proposes to amalgamate, or
 - (ii) to request the Commission to take responsibility for the negotiations between the municipal authority and the municipal authorities with which it proposes to amalgamate,

and

- (c) if the notice proposes direct negotiations with the municipal authorities with which it proposes to amalgamate, include proposals for
 - (i) consulting with the public about the proposed amalgamation, and
 - (ii) meeting with the owners of that land, and keeping them informed about the progress of the negotiations.

(4) The initiating municipal authority shall give a copy of the notice to every local authority the initiating municipal authority considers affected by the proposed annexation or amalgamation.

Annexations of
same land

32(1) A municipal authority may not initiate or proceed with more than one proposed annexation at any one time concerning the same land.

(2) If an application by a municipal authority for annexation is refused under this Division, no further application concerning the same land by that municipal authority may be made for a period of one year after the application was refused.

Direct
negotiations
with other
affected
municipalities

33(1) The initiating municipal authority and the municipal authorities from which the land is to be annexed or with which it proposes to amalgamate, on receipt by those municipal authorities of the notice under section 31 proposing direct negotiations with them, shall meet to discuss the proposals included in the notice and shall negotiate the proposals in good faith.

(2) The initiating municipal authority shall keep the Governance Commission informed of the progress of the direct negotiations.

(3) The initiating municipal authority or a municipal authority from which the land is to be annexed or with which it proposes to amalgamate may, at any time, request the Governance Commission to take responsibility for the negotiations between the municipal authorities.

Negotiation
report on
direct
negotiations

34(1) On conclusion of the direct negotiations, the initiating municipal authority shall prepare a negotiation report that describes the results of the negotiations and specifically includes

- (a) a list of the matters agreed and those on which there is no agreement between the municipal authorities,
- (b) a description of the public consultation processes involved in the negotiations, and
- (c) a summary of the views, if any, expressed during the public consultation processes.

(2) The negotiation report must be signed on behalf of the initiating municipal authority and the municipal authorities from which the land is to be annexed or with which it proposes to amalgamate that are prepared to sign and must include a certificate

by the initiating municipal authority stating that the report accurately reflects the results of the negotiations.

(3) If any of the municipal authorities from which the land is to be annexed or which are proposed to be amalgamated, does not wish to sign the negotiation report, it may prepare an explanation to be included in the report of the reasons for not signing it.

Disposition of
negotiation
report

35(1) On completion of the negotiation report, the initiating municipal authority shall submit the report to the Governance Commission and send a copy of it to the municipal authorities from which the land is to be annexed or with which it proposes to amalgamate and any other local authority the initiating municipal authority considers affected.

(2) The Governance Commission shall, as soon as is reasonably practicable, complete a review of the negotiation report to determine if the principles for annexation or amalgamation established by the Minister under section 16 have been considered and shall advise the municipal authority and local authorities referred to in subsection (1) of the results of the review.

Governance
Commission's
convening of
non-direct
negotiations

36 If under section 31(2)(b)(ii) or (3)(b)(ii) or 33(3) the Governance Commission takes responsibility for the negotiations, it shall issue an annexation or amalgamation report, as the case may be, on completion of the negotiations.

Confirmation
of application

37 After reviewing the negotiation report submitted under section 35(1) or on issuing the annexation or amalgamation report under section 36, as the case may be, the Governance Commission shall ask the initiating municipal authority if it wishes to apply for the annexation or the amalgamation, and the municipal authority may then apply.

Division 5 Dissolution

Minister's
recommend-
ation to
dissolve

38(1) The procedure for dissolving a city, town, village, summer village, municipal district or specialized municipality under this Division commences with the making of a request to the Governance Commission for a dissolution study.

(2) A request for a dissolution study for a municipality may be made

- (a) by petition of electors numbering at least 30% of the population resident in the municipality,
- (b) by a council, or
- (c) by the Minister, if the Minister is of the opinion that
 - (i) the municipality cannot balance its revenues with its required expenditures,
 - (ii) the municipality does not meet the applicable municipal formation rules or, in the case of a specialized municipality, the reasons for its original formation as a specialized municipality no longer exist, or
 - (iii) vacancies on a council cannot be filled.

(3) If a request is made by petition or by a council, the Governance Commission shall send a copy of the request for a dissolution study received by it to the Minister as soon as possible after it is received.

Dissolution
study

39(1) The Governance Commission shall, unless the Minister otherwise orders, undertake a dissolution study in which it shall consider the effect that the dissolution will have on all local authorities that the Commission considers may be affected by the dissolution.

(2) The Governance Commission shall, during the dissolution study,

- (a) invite comments on the proposed dissolution from all local authorities that the Commission considers may be affected by the dissolution of the municipality,
- (b) invite comments from the public,
- (c) conduct at least one public meeting to discuss the implications of the dissolution, and
- (d) consider the principles, standards and criteria referred to in section 16.

(3) On completion of the dissolution study, the Governance Commission shall send a copy to the Minister.

(4) The Minister may by order levy the whole or a part of the cost of a dissolution study on persons other than the Governance

Commission, and those persons shall pay their levies to the Commission, which may be recovered in an action in debt.

Vote on
dissolution

40(1) If the dissolution study is satisfactory to the Minister, the Minister shall hold a vote of the electors of the municipality on the proposed dissolution.

(2) The Minister shall conduct the vote

- (a)** in accordance with the *Local Authorities Election Act*, or
- (b)** if the Minister considers that all or any of the procedures under that Act should be modified, in accordance with that Act as modified by directions given by the Minister.

(3) The *Regulations Act* does not apply to directions under subsection (2).

Application for
dissolution

41(1) An application for dissolution is deemed to have been made if the vote under section 40 is in favour of the dissolution.

(2) If a vote referred to in subsection (1) was not in favour of the dissolution and the Minister had requested the dissolution study, the Minister may apply to the Governance Commission for the dissolution.

Division 6

Report and Recommendations of Governance Commission

Action on
application

42(1) On receiving an application under this Part, the Governance Commission

- (a)** shall notify the Minister and all the local authorities that it considers would be affected by the matter, and anyone else the Commission considers should be notified, and
- (b)** may investigate, analyze and make findings of fact about the matter, including the probable effect on local authorities and on the residents of an area.

(2) The Governance Commission shall conduct one or more hearings or public meetings in respect of the application and allow

any affected person to appear before the Governance Commission before making its report.

(3) The Governance Commission shall publish a notice of the hearing or public meeting at least once a week for 2 consecutive weeks in a newspaper or other publication circulating in the affected area, the 2nd notice being not less than 6 days before the hearing or meeting.

Commission's
report to
Minister

43(1) After considering any views expressed at a public meeting and any reports and representations made to it, the Governance Commission shall prepare a written report of its findings and recommendations to the Minister.

(2) In addition, the report, in the case of an annexation,

- (a) must recommend whether or not land should be annexed to the initiating municipal authority or other municipal authority and, if so, identify that land, and
- (b) may include recommended terms and conditions and any other thing the Governance Commission considers necessary or desirable to implement the annexation.

(3) In addition, the report, in the case of an amalgamation,

- (a) must recommend whether or not the amalgamation should take place, and
- (b) may include recommended terms and conditions of the amalgamation and any other thing the Governance Commission considers necessary or desirable to implement the amalgamation.

(4) The Governance Commission shall provide a copy of its report to the Minister and the local authorities affected by the application not later than 6 months after receiving the application or a later time agreed by a majority of the affected local authorities.

(5) The Governance Commission shall make the report available to members of the public, on request, at a fee fixed by the Governance Commission.

(6) The Governance Commission may withhold from the public any portion of the report that in the opinion of the Governance Commission contains information described in section 151(2) and the Minister and the affected local authorities that received the

report must also withhold those portions from any copies that they distribute to the public.

Division 7
Orders for Formation, Annexation, Amalgamation,
Dissolution and Change of Status

Implementa-
tion

44(1) Before making a recommendation to the Lieutenant Governor in Council under subsection (2), the Minister must consider

- (a) the report of the Governance Commission under section 43,
- (b) in the case of a formation,
 - (i) the vote on the proposed formation,
 - (ii) whether or not the municipal formation rules are met or, in the case of a specialized municipality, whether or not there are circumstances which make the formation of a specialized municipality desirable, and
 - (iii) the corporate strategy if one was prepared,
- (c) in the case of a dissolution, the vote on the proposed dissolution, and
- (d) in the case of a change in status, whether or not the municipal formation rules applicable to the proposed municipal status have been met or where the change in status is to that of a specialized municipality, circumstances that make it desirable that it become a specialized municipality.

(2) The Lieutenant Governor in Council, on the recommendation of the Minister, may do any one or more of the following:

- (a) form, dissolve or change the status of a city, town, village, summer village, municipal district or specialized municipality;
- (b) amalgamate municipal authorities;
- (c) annex land to a municipal authority;
- (d) change the boundaries of a municipality.

(3) If the Minister proposes to make a different recommendation from those in the Governance Commission's report, the Minister must inform the affected local authorities of the reasons for doing so at least 30 days before making the recommendation to the Lieutenant Governor in Council.

Formation Orders

Formation

45(1) An order that forms a municipality must

- (a) describe the boundaries of the municipality formed by the order,
- (b) give the municipality the municipal status of city, town, village, summer village or municipal district, as the case may be, or, in the case of a specialized municipality, give it the municipal status appropriate to its form, and
- (c) give the municipality an official name, and may authorize the municipality to use a variation of its official name.

(2) If a municipal district is formed, the order must

- (a) state the number of councillors that is to comprise its council, and
- (b) establish wards for it and describe their boundaries.

(3) If a specialized municipality is formed, the order must state the number of councillors that is to comprise its council and apply either section 67(2) or (3) to the municipality and may

- (a) establish wards for it and describe their boundaries;
- (b) specify or describe by reference, the provisions of this or other enactments that do not apply to the specialized municipality, or that apply with or without modification;
- (c) specify or describe by reference, any provisions which are to be added to or replace the provisions of this or other enactments;
- (d) prescribe matters or conditions that govern the functions, powers and duties of the specialized municipality.

(4) If a specialized municipality is formed all or partly from an improvement district, the order may

- (a) appoint an interim council;
- (b) provide for the election of the first councillors under the *Local Authorities Election Act*;
- (c) designate ministerial orders made under the *Improvement Districts Act* as the first bylaws of the specialized municipality.

(5) An order under this section may contain provisions relating to the municipality formed by the order or the municipal authority from which it was formed

- (a) respecting, despite Part 8 or the *Property Assessment Act*, the valuation and assessment or the taxation of property,
- (b) respecting any matter required to properly effect or deal with the formation, or matters resulting from it, whether transitional or otherwise, and
- (c) respecting the addition, change or substitution of any provision of this or other enactments to give effect to the order to deal with a difficulty arising from the order or the application of this or other enactments to the formation or matters resulting from it.

Green areas **46(1)** In this section,

- (a) “green area” means a part of Alberta shown outlined in green on the map annexed to a ministerial order dated May 7, 1985 made under section 10 of the *Public Lands Act*;
- (b) “land use bylaw” has the meaning given to it in the *Planning Act*;
- (c) “statutory plan” has the meaning given to it in the *Planning Act*.

(2) When an order is made relating to a formation under section 45, a land use bylaw or statutory plan does not apply to a part of a municipality that is included in a green area unless the Minister of Forestry, Lands and Wildlife approves.

47(1) On the formation of a specialized municipality, in whole or in part from an improvement district, the Minister may, by order, provide that the *Improvement Districts Act* continues to apply to the specialized municipality as if it were an improvement district.

(2) Pursuant to subsection (1) and subject to an order under section 45, the Minister may at any time, in respect of the specialized municipality,

- (a) exercise any of the powers that the Minister has in respect of an improvement district under the *Improvement Districts Act* or any other enactment;
- (b) limit the power, authority or jurisdiction of the specialized municipality;
- (c) prescribe how or the conditions under which the specialized municipality may exercise any power or authority;
- (d) delegate to the council the power to exercise in respect of the specialized municipality, subject to any conditions the Minister imposes, any of the powers, rights or duties of the Minister under the *Improvement Districts Act*, including the power to impose and collect local taxes;
- (e) authorize the council to make bylaws in respect of any matter, subject to sections 48 and 49 and to any conditions the Minister imposes;
- (f) specify that a power, right or duty of a municipality must be exercised or performed by the specialized municipality.

48(1) The Minister of Transportation and Utilities has the direction, control and management of roads within the specialized municipality referred to in section 47.

(2) Despite subsection (1), the Minister of Transportation and Utilities and the council of the specialized municipality may enter into an agreement providing that all or part of the direction, control and management of roads within the specialized municipality may be exercised by the specialized municipality.

(3) If there is an agreement under subsection (2), the Minister of Transportation and Utilities may require that a specialized municipality pay for the cost of fulfilling the Minister's responsibilities with respect to roads within the specialized

municipality, and the specialized municipality shall pay the amount of the requisition as soon as practicable after the requisition is made.

Regulations

49 The Minister may, with respect to one or more specialized municipalities for which an order has been made under section 47, make regulations

- (a) respecting the form and content of a corporate strategy;
- (b) respecting the financial administration of specialized municipalities;
- (c) respecting the administration, operation and management of specialized municipalities.

**Corporate and
municipal
status**

50 On the effective date of the formation order, the electors of the municipality described in the order become formed as an incorporated municipality according to the terms of the order.

Change of Status Order

**Change of
status**

51 In an order to change the status of a city, town, village, summer village, municipal district or specialized municipality to another status within that group, the Lieutenant Governor in Council, to the extent that the change of status effects applicable changes,

- (a) shall make the provisions that on a formation are required to be made under section 45(2), and
- (b) may deal with any of the other matters referred to in section 45.

Annexation and Amalgamation Order

**Annexation
order**

52(1) An order to annex, or amalgamate one or more municipalities may

- (a) require a municipal authority to pay compensation to another municipal authority set out in the order or by means determined in the order including arbitration under the *Arbitration Act*,

- (b) require that the annexed property be valued or assessed on any basis despite the *Property Assessment Act* and for any period considered appropriate,
- (c) dissolve a municipal authority as a result of the annexation or amalgamation,
- (d) deal with any of the matters referred to in section 45, or
- (e) impose other terms or conditions respecting annexation or amalgamation and matters consequential to annexation or amalgamation, as the case may be.

(2) The Minister may recommend to the Lieutenant Governor in Council that land be annexed to a municipal authority without sections 31 to 37 necessarily having been applied if

- (a) the Minister considers that the proposed annexation is of a minor nature, and
- (b) in the Minister's opinion there is no dispute about the proposal.

Dissolution Order

Dissolution
order

53(1) An order to dissolve a city, town, village, summer village, municipal district or specialized municipality may

- (a) order that all or part of the land in the dissolved municipality become part of another municipal authority,
- (b) deal with any of the matters referred to in section 45, and
- (c) deal with other matters respecting dissolution and matters consequential to dissolution.

(2) If the liabilities of the dissolved municipality exceed its assets, the Minister may authorize the successor of the dissolved municipality to impose a special tax on the land previously in the dissolved municipality to pay for those excess liabilities.

Division 8 General Provisions

Effect of
formation,
annexation
and
dissolution
orders

54(1) Where an order under this Part has the effect of including or placing the whole or part of land in a municipal authority (in this section called the “old municipal authority”) in another municipal authority (in this section called the “new municipal authority”) as a result of the formation, annexation, amalgamation, change of status or dissolution of a municipal authority, then, unless the order otherwise provides,

- (a) the new municipal authority becomes the successor of the old municipal authority in all respects with respect to that land and the old municipal authority ceases to have any jurisdiction with respect to that land,
- (b) all the assets, liabilities, rights and obligations of the old municipal authority that relate to that land automatically pass to the new municipal authority and cease to be those of the old municipal authority,
- (c) local taxes due with respect to that land and remedies for their collection pass to the new municipal authority, but on collection must be paid to the old municipal authority, unless dissolved,
- (d) if at the time of the notice under section 31, any land or any portion of it is designated or required to be provided as a public utility lot, environmental reserve, municipal reserve or municipal and school reserve under the *Planning Act*, it becomes vested in the new municipal authority in place of the old municipal authority, and
- (e) bylaws and resolutions of the old municipal authority that apply specifically to the land continue to apply to it until repealed or others are made in their place by the new municipal authority.

(2) If the land referred to in subsection (1)(d) is sold or money instead of land is received by the old municipal authority after the notice under section 31 is received, the proceeds of the sale or the money received must be paid to the new municipal authority.

(3) The new municipal authority may only use the proceeds of the sale or the money received for purposes for which the old municipal authority could have used it.

(4) The Lieutenant Governor in Council may

- (a) authorize the council of the new municipal authority to impose a special tax under Part 8 on the land to meet debentures issued by the old municipal authority in respect of that land,
- (b) make any provision necessary to protect any rights that any person has in relation to the land, or
- (c) direct the transfer of assets and liabilities from one municipal authority to another.

(5) This section does not abrogate or affect agreements described in section 138 or 139.

Power to
effectuate
transfer of
land and other
property

55 Where an order under this Division requires the ownership of land or other assets to be transferred to a municipal authority, the Minister may do whatever is necessary to give effect to section 54(1) or a direction under section 54(4)(c).

Other
necessary
orders

56 The Lieutenant Governor in Council may make any other orders necessary to implement a formation, annexation, amalgamation, change of status, or dissolution or other change in boundaries, as the case may be.

Retroactivity of
orders

57(1) An order under this Division and Division 7 may provide

- (a) for the retroactive application of the order or any of its provisions, and
- (b) that the order or any of its provisions come into force on different dates.

(2) An order or any of its provisions may only be made retroactive to a date in the year immediately before the calendar year in which the order is made.

(3) Any error in any order made under this Part may be corrected by subsequent order, and the correcting order may be made effective as of the date of the original order or on some other later date that is specified in the order.

Division 9 Publication of Orders

Orders
published

58(1) An order of the Lieutenant Governor in Council or the Minister under this Part must be published in The Alberta Gazette.

(2) Publication of an order of

- (a) the Lieutenant Governor in Council, or
- (b) the Minister,

made under this Part is conclusive proof of the fulfilment of any conditions precedent to the Lieutenant Governor in Council's or Minister's order.

PART 3

COUNCILS, COUNCILLORS, COUNCIL COMMITTEES

Division 1 Councils

Councils as
governing
bodies

59(1) Each municipality is to be governed by a council.

(2) A council is a continuing body.

Number of
Councillors for
municipalities

60(1) A council consists of the number of councillors provided for under this section, one of whom is the chief elected official, but in no case may a council consist of fewer than 3 councillors.

(2) The council of a city or town consists of 7 councillors unless the council passes a bylaw specifying a higher or lower odd number.

(3) The council of a village or summer village consists of 3 councillors or, if the council passes a bylaw so providing, 5 councillors.

(4) The council of a municipal district or specialized municipality consists of the number of councillors specified in the order forming it unless the council passes a bylaw specifying a higher or lower odd number.

(5) The council of any other type of municipality consists of the number of councillors provided for it by or under the relevant enactment establishing it.

Bylaw
changing
number of
councillors

61(1) A bylaw changing the number of councillors on council must be passed at least 180 days before the general election at which it is to take effect.

(2) If a bylaw is passed less than 180 days before the next general election, it takes effect at the 2nd general election after the date on which it is passed.

(3) The bylaw remains in effect until it is amended or repealed.

(4) The municipality must advertise a bylaw made under this section.

Composition
of council
committees

62 A council committee may consist

- (a)** entirely of councillors,
- (b)** of a combination of councillors and other persons, or
- (c)** subject to section 70(2), entirely of persons who are not councillors.

Bylaws re
council and
council
committees

63 A council may pass bylaws in relation to the following:

- (a)** the establishment and functions of council committees and other bodies;
- (b)** the procedure and conduct of council, council committees and other bodies established by the council, the conduct of councillors, the conduct of members of council committees and other bodies established by the council.

Division 2

Elections, Appointments and Ward System

Election of
councillors

64(1) Subject to Division 5, councillors other than a chief elected official are to be elected in accordance with the *Local Authorities Election Act*.

(2) The election is to be by a vote of the electors of the whole municipality unless the municipality is divided into wards, in which case section 65 applies.

65(1) A council may by bylaw

- (a) divide the municipality into wards and establish their boundaries,
- (b) in the case of wards established under section 45(3) for a municipal district or under section 45(4) for a specialized municipality, change the number of wards and their boundaries,
- (c) give each ward established or changed a name or number, or both, and
- (d) state the number of councillors to be elected for each ward established or changed.

(2) A municipal district must at all times have a ward system, unless otherwise provided by the Minister.

(3) The bylaw may make provision for the election by the electors of the whole municipality of a specified number of councillors in addition to the councillors to be elected in each ward.

(4) The number of councillors to be elected by the electors of a ward must be determined in such a way that the population of the ward divided by that number is neither more than 25% above nor more than 25% below the total population of the municipality divided by the number of councillors to be elected by all the wards, unless a bylaw has been passed under section 47(2) of the *Local Authorities Election Act*.

(5) For the purposes of determining the number of councillors to be elected by all the wards in subsection (4), that number must not include a councillor who is to be elected by the whole of the electors of the municipality.

(6) If to comply with subsection (4) would significantly and negatively affect the community of interests of the inhabitants of the proposed ward, the council may pass a bylaw that does not comply with subsection (4), but the bylaw, or any subsequent amendment to it, has no effect unless it is approved by the Minister before third reading.

66(1) A bylaw under section 65 must be passed at least 180 days before the general election at which it is to take effect.

(2) If a bylaw is passed less than 180 days before the next general election, it takes effect at the 2nd general election after the date on which it is passed.

(3) A bylaw made under section 65 by a municipal district or specialized municipality may change an order respecting wards made under section 45 or any predecessor provision.

(4) The bylaw remains in effect until it is amended or repealed.

(5) The bylaw must be reviewed by the council at least once every 10 years to determine if it complies with section 65(4).

(6) The municipality must advertise a bylaw made under section 65.

Election or
appointment of
chief elected
official

67(1) Subject to Division 5, a chief elected official is to be

(a) elected in accordance with the *Local Authorities Election Act* and this section, or

(b) appointed in accordance with this section.

(2) The chief elected official of a city or town is to be elected by a vote of the electors of the whole municipality unless the council passes a bylaw

(a) requiring council to appoint the chief elected official from among the councillors,

(b) specifying when the appointment is to start, and

(c) specifying the term of the appointment.

(3) The chief elected official of a village, summer village or municipal district is to be appointed by council from among the councillors unless the council passes a bylaw providing that the official is to be elected by a vote of the electors of the whole municipality.

(4) Subsection (2) or (3) applies to a specialized municipality, depending on the applicable provision of the order under section 45(4).

(5) A bylaw under this section must be passed at least 180 days before the general election at which it is to take effect.

(6) If a bylaw is passed less than 180 days before the next general election, it takes effect at the 2nd general election after the date on which it is passed.

(7) The bylaw remains in effect until it is amended or repealed.

(8) The municipality must advertise a bylaw made under this section.

Deputy and
acting chief
elected
officials

68(1) A council shall appoint one or more councillors as deputy chief elected official so that

- (a) only one councillor will hold that office at any one time, and
- (b) the office will be filled at all times.

(2) A deputy chief elected official shall act as the chief elected official

- (a) when the chief elected official is unable to perform the duties of the chief elected official, or
- (b) if the office of chief elected official is vacant.

(3) A council may appoint an acting chief elected official from among themselves to act as the chief elected official

- (a) if both the chief elected official and the deputy chief elected official are unable to perform the duties of the chief elected official, or
- (b) if both the office of chief elected official and deputy chief elected official are vacant.

Division 3

Duties, Titles and Oaths of Councillors

General duties
of councillors

69 It is the responsibility of councillors

- (a) to consider the welfare and interests of the municipality as a whole and to bring to council's attention anything that would promote the welfare or interests of the municipality;
- (b) to participate generally in developing and evaluating the policies and programs of the municipality;
- (c) to participate in council meetings and council committee meetings and meetings of other bodies to which they are appointed by the council;

- (d) to obtain information about the operation or administration of the municipality from the chief administrative officer or a person designated by the chief administrative officer;
- (e) to keep in confidence matters discussed in private at a council or council committee meeting until discussed at a meeting held in public;
- (f) to perform any other duty or function imposed on councillors by this or any other enactment or by the council.

General duties
of chief
elected official

70(1) A chief elected official, in addition to performing the duties of a councillor, shall

- (a) preside when in attendance at a council meeting unless a bylaw provides that another councillor or other person is to preside, and
- (b) perform any other duty imposed on a chief elected official by this or any other enactment or bylaw.

(2) The chief elected official, by virtue of the office, is a member of all council committees and all bodies to which council has the right to appoint members under this Act, unless the council provides otherwise.

Titles of chief
elected official
and other
councillors

71 A councillor is to have the title “councillor” and a chief elected official that of “chief elected official” unless the council directs another title that is appropriate to the office.

Taking of oath

72(1) A councillor, a chief elected official and a deputy and acting chief elected official may not carry out any power, duty or function until that person has taken the official oath prescribed by the *Oaths of Office Act*.

(2) A designated officer shall retain the signed oath with the municipality’s official records.

Division 4

Term of Council Office

**Positions
elected at
general
election**

73(1) The term of office of councillors elected at a general election

- (a) starts at the beginning of the organizational meeting following that election, and
- (b) ends immediately before the beginning of the organizational meeting after the next general election.

(2) If the first election of a newly formed municipality, whether formed under this or another enactment, is less than 18 months before the date set by the *Local Authorities Election Act* for the next general election, the Minister may order that the next general election not take place.

(3) If the Minister makes an order under subsection (2), the terms of the offices are to continue until immediately before the beginning of the organizational meeting following the next general election after that date.

**Council
positions
elected at by-
election**

74 The term of office of councillor elected at a by-election is the period

- (a) starting at the beginning of the first meeting of council after the by-election, and
- (b) ending immediately before the beginning of the organizational meeting after the next general election.

**Appointed
chief elected
officials**

75(1) A chief elected official who is to be appointed in accordance with section 72 must be appointed at each organizational meeting of the council, unless otherwise provided by bylaw.

(2) The term starts immediately on appointment and ends on the appointment of the next chief elected official.

(3) The term of office of an appointed chief elected official may not extend beyond the term of office of that person as councillor.

Division 5 Vacancies and Quorum

Positions
unfilled at
general
election

76(1) If at a general election persons are not elected to fill all the offices on council, the Minister may

- (a) fill the vacancies by appointing persons as councillors,
- (b) if there is no quorum, order that the councillors who have been elected constitute a quorum, or
- (c) appoint an official administrator.

(2) Persons appointed under subsection (1) hold office until the vacancies are filled by a by-election.

(3) If council is unable to or does not within a reasonable time hold a by-election to fill a vacancy referred to in subsection (1), the Minister may direct that a by-election be held to fill the vacancy.

Vacancy in
position of
councillor

77 A council shall hold a by-election to fill a vacancy on council unless

- (a) the vacancy occurs in the 6 months before a general election, or
- (b) the council is to consist of 6 or more councillors and the vacancy occurs
 - (i) in the 18 months before a general election and there is only one vacancy, or
 - (ii) in the 12 months before a general election and the number of councillors remaining is at least one more than the quorum of the whole council.

Chief elected
official
(elected)
vacancy

78 If the chief elected official is elected by a vote of the electors of the whole municipality and the office becomes vacant, the vacancy shall be filled

- (a) if there are 12 months or more before a general election, by a by-election, or
- (b) if there are less than 12 months before a general election, either by a by-election or by council

appointing at the next council meeting one or more councillors as chief elected official so that

- (i) only one councillor holds that office at any one time, and
- (ii) the office is filled all the time.

Chief elected
official
(appointed)
vacancy

79 If, under section 67, the chief elected official is appointed by council from among the councillors and the office becomes vacant, council shall at the next council meeting appoint one or more councillors as chief elected official so that

- (a) only one councillor holds that office at any one time, and
- (b) the office is filled all the time.

Nomination
day

80 Unless a council sets an earlier date, election day for a by-election under section 77 or 78 is 90 days after the vacancy occurs.

Quorum

81(1) Except as provided in this or another enactment, a majority of the whole council is the quorum of the council.

(2) For the purposes of determining a quorum, a councillor to whom section 88 or 101 applies is deemed not to be present at the meeting in respect of the matter to be voted on.

Vacancies
precluding
quorum

82(1) If vacancies reduce the number of councillors to less than a quorum, the Minister may

- (a) order that the remaining councillors constitute a quorum,
- (b) appoint an official administrator, or
- (c) order that the remaining councillors constitute a quorum and appoint a comptroller under section 14 of the *Department of Municipal Affairs Act*,

until the vacancies are filled.

(2) If a vacancy must be filled under section 77 or 78 and the council is unable to or does not within a reasonable time hold a

by-election to fill the vacancies, the Minister may direct that a by-election be held to fill the vacancies.

Precluding
quorum at
particular
meeting

83(1) If the number of councillors able to attend a council meeting is less than a quorum, the Minister may

- (a) order that the remaining councillors constitute a quorum, or
- (b) appoint an official administrator.

(2) The appointment or order remains in effect until revoked.

Pecuniary
interest
preventing a
quorum of
council

84(1) If councillors are required to abstain from voting because of their pecuniary interest in a matter and the number of remaining councillors able to vote is less than a quorum, the Minister may

- (a) order that those remaining councillors constitute a quorum for the purpose of voting on that matter,
- (b) order that all councillors may vote on the matter, if otherwise eligible, even though a councillor has a pecuniary interest, or
- (c) direct the chief administrative officer to conduct a vote of the electors on the matter to be voted on by the council, with directions respecting the date of the vote of the electors, the question to be voted on by the electors and procedural matters.

(2) The council shall comply with the result of the vote of the electors.

(3) If a councillor votes on a matter

- (a) in accordance with the Minister's order under subsection (1)(b), or
- (b) for the purpose of complying with the results of a vote conducted under subsection (1)(c),

the councillor is not disqualified for having voted.

Resignation

85(1) A councillor may resign by giving written notice to the chief administrative officer.

(2) A chief elected official appointed by council who resigns remains on the council as a councillor unless he also resigns as councillor.

(3) The resignation is effective on the date the notice is received by the chief administrative officer even if a later date is set out in the notice.

(4) The chief administrative officer shall report the resignation at the first council meeting after receipt of the resignation.

Division 6

Pecuniary Interest of Councillors

Definitions

86(1) In this Division,

- (a) “corporation”, “director”, “distributing corporation”, “officer”, “shareholder”, “voting rights” and “voting shares” have the same meaning as they have in the *Business Corporations Act*;
- (b) “pecuniary interest” means an interest in a matter that could monetarily affect
 - (i) the councillor,
 - (ii) a corporation, other than a distributing corporation, in which the councillor is a shareholder, director or officer,
 - (iii) a distributing corporation in which the councillor beneficially owns voting shares carrying at least 10% of the voting rights attached to the voting shares of the corporation or of which the councillor is a director or officer,
 - (iv) a partnership or firm of which the councillor is a member, or
 - (v) a person, partnership, firm or government that employs the councillor;
- (c) “spouse” includes a party to a relationship between a man and woman who are living together on a bona fide domestic basis but does not include a spouse who is living apart from the councillor if the councillor and spouse have separated pursuant to a written separation agreement or if their support

obligations and family property have been dealt with by a court order.

- (2) For the purposes of this Division, the pecuniary interests of
- (a) the spouse of the councillor, the councillor's children and the parents of the councillor, and
 - (b) the parents of the councillor's spouse

that are known to the councillor or of which the councillor reasonably should know, are deemed to be the pecuniary interests of the councillor.

(3) For the purposes of this Division, a councillor does not have a pecuniary interest by reason only of any interest that the councillor may have

- (a) as an elector, taxpayer or utility customer of the municipality,
- (b) by reason of the councillor's appointment by the council as a director of a company incorporated for the purpose of carrying on business for and on behalf of the municipality or by reason of the councillor being appointed as the representative of the council on another body,
- (c) with respect to any allowance, honorarium, remuneration or benefit to which the councillor may be entitled by being a councillor or by being appointed by the council to a position described in clause (b),
- (d) by reason of the councillor's employment by the Government of Canada, the Government of Alberta or a federal or provincial Crown corporation or agency, except with respect to a matter directly affecting the department, corporation or agency of which the councillor is an employee,
- (e) by reason of a person referred to in subsection (2) being employed by a person, partnership, firm or government that is monetarily affected by a decision of the municipality,
- (f) by reason of the councillor being a member or director of a credit union, a co-operative association or a non-profit organization formed under an Act of

the Legislature or of the Parliament of Canada, or a service club,

- (g) by reason of the councillor's appointment as the volunteer chief or other volunteer officer of a fire or ambulance service or emergency measures organization or other volunteer organization or service or by reason of remuneration received as a volunteer member of any of those voluntary organizations or services,
- (h) by reason of having an interest that is an interest in common with the majority of electors of the municipality or, if the matter affects only part of the municipality, with the majority of electors in that part,
- (i) by reason of an interest that is so remote or insignificant that it cannot reasonably be regarded as likely to influence the councillor, or
- (j) by reason of discussing or voting on a bylaw respecting businesses or business activities when the councillor has an interest in a business that is affected by the bylaw.

(4) Subsection (3)(e) and (f) do not apply to a councillor who is

- (a) an employee of a credit union or co-operative association, or
- (b) an employee of an organization or club referred to in those clauses.

(5) The exemptions under subsection (3) in respect of a councillor also apply with respect to the persons named in subsection (2).

Disclosing
names of
relatives

87 A council may by bylaw

- (a) require that each councillor file with a designated officer a statement of
 - (i) the names of the councillor's spouse, children and parents, and the parents of the councillor's spouse, and
 - (ii) any person, partnership, firm or government referred to in section 86(1)(b),

and

- (b) require the designated officer to compile a list of all the names reported on the statements filed with the officer and give a copy of the list to the employees of the municipality indicated in the bylaw.

Disclosure of
pecuniary
interest

88(1) When a councillor has a pecuniary interest in a matter before the council, a council committee or any other body to which the councillor is appointed as a representative of the council, the councillor must, if present

- (a) disclose the general nature of the pecuniary interest prior to any discussion of the matter,
- (b) abstain from voting on any question relating to the matter,
- (c) subject to subsection (3), abstain from any discussion of the matter, and
- (d) subject to subsections (2), (3) and (6), leave the room in which the meeting is being held until discussion and voting on the matter are concluded.

(2) If the matter with respect to which the councillor has a pecuniary interest is the payment of an account for which funds have previously been committed, it is not necessary for the councillor to leave the room.

(3) If the matter with respect to which the councillor has a pecuniary interest is a question on which, under this Act or another enactment, the councillor as a taxpayer, an elector or owner has a right to be heard by the council,

- (a) it is not necessary for the councillor to leave the room, and
- (b) the councillor may exercise a right to be heard in the same manner as a person who is not a councillor.

(4) If a councillor is temporarily absent from a meeting when a matter in which the councillor has a pecuniary interest arises, the councillor must immediately on returning to the meeting, or as soon as the councillor becomes aware that the matter has been considered, disclose the general nature of the councillor's interest in the matter.

(5) The abstention of a councillor under subsection (1) and the disclosure of a councillor's interest under subsection (1) or (4) must be recorded in the minutes of the meeting.

(6) If a councillor has declared a pecuniary interest at a council committee meeting and council considers a report of the committee in respect of which the councillor declared a pecuniary interest, the councillor need not re-declare the interest nor leave the room when council discusses and votes on the matter.

(7) Subject to section 84(3), a councillor who contravenes this section is disqualified from council.

Effect of
pecuniary
interest on
agreements

89(1) No agreement with a municipality under which a councillor of the municipality has a pecuniary interest is binding on the municipality unless

- (a) the agreement is for work in an emergency,
- (b) the agreement is for the sale of goods or the provision of services to the municipality or to persons contracting with the municipality at competitive prices by a dealer in those goods or services that is incidental to or in the ordinary course of the business, or
- (c) the agreement is approved by council.

(2) A councillor who has a pecuniary interest in an agreement with the municipality, other than an agreement referred to in subsection (1)(a), (b) or (c) or in the circumstances described in section 84, is disqualified from council.

Insider
information

90 A councillor is disqualified from council if the councillor uses information gained through being on council to gain a pecuniary benefit in respect of any matter.

Division 7

Disqualification of Councillors

Reasons for
disquali-
fication

91(1) A councillor is disqualified from council if

- (a) the councillor never was or ceases to be eligible for nomination as a candidate under the *Local Authorities Election Act*;

- (b) the councillor becomes a judge of a court or a member of the Senate or House of Commons of Canada or of the Legislative Assembly of Alberta;
- (c) the councillor is absent from all regular council meetings held during any period of 8 consecutive weeks, starting with the date that the first meeting is missed, unless subsection (2) applies;
- (d) the councillor is convicted
 - (i) of an offence punishable by imprisonment for 5 or more years, or
 - (ii) of an offence under section 123, 124 or 125 of the *Criminal Code* (Canada);
- (e) the councillor does not vote on a matter at a council meeting at which the councillor is present, unless the councillor is required or is permitted to abstain from voting under this or any other enactment;
- (f) the councillor discloses information the councillor is required to keep in confidence under section 69(e);
- (g) the councillor becomes an employee of the municipality.

(2) A councillor is not disqualified by being absent from regular council meetings under subsection (1)(c) if the absence is authorized by a resolution of council passed

- (a) at any time before the end of the last regular meeting of the council in the 8-week period, or
- (b) if there is no other regular meeting of the council during the 8-week period, at any time before the end of the next regular meeting of the council.

(3) For the purposes of this section, a councillor is not considered to be absent from a council meeting if

- (a) the councillor is elected or appointed by the council to the executive, board or committee of a municipal association and is absent on association business, or
- (b) the councillor is absent on council business at the direction of council.

(4) Despite section 24 of the *Local Authorities Election Act*, a councillor who is disqualified under this section is eligible to be elected at the next ensuing general election in the municipality if qualified for nomination under the *Local Authorities Election Act*.

Division 8

Enforcement of Disqualification

Resignation
on dis-
qualification

92(1) A councillor must resign immediately after being disqualified from council.

(2) If a councillor does not resign immediately,

(a) the council may apply by originating notice to a judge of the Court of Queen's Bench for

(i) an order determining whether the person was never qualified to be or has ceased to be qualified to remain a councillor, or

(ii) an order declaring the person to be disqualified from council,

or

(b) an elector who

(i) files an affidavit showing reasonable grounds for believing that a person never was or has ceased to be qualified as a councillor, and

(ii) pays into court the sum of \$500 as security for costs,

may apply by originating notice to a judge of the Court of Queen's Bench for an order declaring the person to be disqualified from council.

(3) An application under this section may only be made within 3 years of the date the disqualification is alleged to have occurred.

(4) An application under this section may be started or continued whether or not an election has been held between the time the disqualification is alleged to have occurred and the time the application is or was commenced and whether or not the person in respect of whom the application is being brought

(a) resigns before or after the election,

- (b) was re-elected in the election,
- (c) was not re-elected or did not run in the election, or
- (d) has completed a term of office.

Decision on
disquali-
fication
application

93(1) After hearing an application under this Division and any evidence, either oral or by affidavit, that is required, the judge may

- (a) declare the person to be disqualified and a position on council to be vacant,
- (b) declare the person able to remain a councillor, or
- (c) dismiss the application.

(2) If a judge declares a person disqualified because information obtained through being on council was used to gain a pecuniary benefit, the judge may order the person to pay to the municipality a sum of damages determined by the court.

Inadvertence
or genuine
error

94 A judge who hears an application under this Division and finds that the person is disqualified under section 88, 89 or 90 may still dismiss the application if the judge is of the opinion that the disqualification arose inadvertently or by reason of a genuine error in judgment.

Appeal

95(1) The decision of a judge under this Division may be appealed to the Court of Appeal.

(2) A person who is declared disqualified under this Division and appeals that declaration remains disqualified until the appeal is finally determined.

(3) If, on the final determination of the appeal, the disqualification is set aside,

- (a) the Court must reinstate the person as a councillor for any unexpired portion of the term of office for which the person was elected and require any person who has been elected to fill the balance of that term to vacate the office, and
- (b) the Court may order that any money paid to the municipality under section 93(2) be repaid.

(4) If on the final disposition of the appeal the disqualification is set aside but the term of office for which the person was elected has expired, the person must not be reinstated but is eligible to be elected at the next election in the municipality if otherwise qualified.

Reimbursement of costs and expenses

96 The council may reimburse the person in respect of whom an application under this Division was made for any costs and expenses that the council considers reasonable, other than costs that have already been awarded to the person by the judge, if

- (a) the application is dismissed, or
- (b) an order is issued declaring the person able to remain a councillor.

Division 9 Council Proceedings

Requirements for Valid Action

Methods in which council may act

97(1) A council may act only by resolution or bylaw.

(2) Where a council is required or authorized under this or any other enactment or bylaw to do something by bylaw, it may only be done by bylaw.

(3) Where a council is required or authorized under this or any other enactment or bylaw to do something by resolution it may be done by bylaw or resolution.

Requirements for valid bylaw or resolution

98(1) A bylaw or resolution of council is not valid unless passed at a council meeting held in public at which there is a quorum present.

(2) A resolution of a council committee is not valid unless passed at a meeting of that committee held in public at which there is a quorum present.

Voting and Meetings

Restriction to one vote per person

99 A councillor has one vote each time a vote is held at a council meeting at which the councillor is present.

Requirement
to vote and
abstentions

100(1) A councillor attending a council meeting shall vote on a matter put to a vote at the meeting unless the councillor abstains from voting under section 88 or 101.

(2) The council shall ensure that each abstention is recorded in the minutes of the meeting.

Abstention
from voting on
matter
discussed at
public hearing

101 When a public hearing on a proposed bylaw or resolution is held, a councillor

- (a)** must abstain from voting on the bylaw or resolution if the councillor was absent from all of the public hearing, and
- (b)** may abstain from voting on the bylaw or resolution if the councillor was only absent from a part of the public hearing.

Recording of
votes

102(1) Before a vote is taken by council, a councillor may request that the vote be recorded.

(2) If a vote is recorded, the minutes must show the names of the councillors present and whether each councillor voted for or against the proposal or abstained.

Tied vote

103 If there is an equal number of votes for and against a resolution or bylaw, the resolution or bylaw is defeated.

Prohibitions
against voting
for certain
proposals

104(1) A councillor shall not vote

- (a)** in favour of any action which, if taken, would contravene an order or a direction of the Minister to the municipality under this or any other enactment,
- (b)** to spend for an operating purpose any money in the possession of the municipality for a capital purpose, except as permitted by section 186, or
- (c)** to spend money borrowed by the issue of a debenture for a capital purpose for another purpose, except as permitted by section 195.

(2) A councillor who votes in contravention of subsection (1) is jointly and severally liable for the money spent in accordance with the vote and the municipality may recover the money spent by an action in debt.

(3) If the municipality does not bring an action under subsection (2) within 30 days of a written request by an elector, taxpayer or debenture holder to do so, the action may be brought either by a taxpayer, elector or debenture holder alone or on that person's own behalf and on behalf of others.

**Organizational
meetings**

105(1) Except in a summer village, a council shall hold an organizational meeting annually not later than 2 weeks after the third Monday in October.

(2) The council of a summer village shall hold an organizational meeting annually not later than August 31.

**Regular
council
meetings**

106(1) A council may decide at a council meeting at which all the councillors are present to hold regularly scheduled council meetings on specified dates, times and places.

(2) Notice of regularly scheduled meetings need not be given.

(3) If council changes the date, time or place of a regularly scheduled meeting, the municipality shall give notice of the change

(a) to any councillors not present at the meeting at which the change was made, and

(b) to the public.

**Special
council
meetings**

107(1) The chief elected official

(a) may call a special council meeting whenever the official considers it appropriate to do so, and

(b) shall call a special council meeting if the official receives a written request for the meeting, stating its purpose, from a majority of the councillors.

(2) The chief elected official calls a special council meeting by giving notice in writing to each councillor stating the purpose of the meeting and the date, time and place at which it is to be held.

(3) Notice of a special meeting is deemed to have been given to a councillor if it is delivered at least 24 hours before the meeting to the councillor or to an adult person at the councillor's home or place of work.

(4) A special council meeting may be held with less than 24 hours' notice to all councillors if at least 2/3 of the whole council

agrees in writing before the beginning of the meeting to hold the meeting.

(5) A special council meeting called under subsection (1)(a) shall be held within 14 days of the date the chief elected officer receives the request or any shorter period provided for by bylaw.

(6) No matter other than that stated in the notice calling the special council meeting may be transacted at the meeting unless all of the councillors are present at the meeting and the council agrees to deal with the matter in question.

**Public
presence at
meetings**

108(1) Councils and council committees must conduct their meetings in public unless subsection (2) or (3) applies.

(2) Council and council committees may conduct all or part of their meetings that are closed to the public if a majority of the members of council or the committee present at the meeting decide that

(a) the matter to be discussed is within one of the categories of information that may be withheld under section 151(2), and

(b) the matter should be discussed in a meeting closed to the public.

(3) A council committee may regularly conduct meetings closed to the public if it is authorized to do so by bylaw and the matter to be discussed is within one of the categories of information that may be withheld under section 151(2).

(4) When a meeting is closed to the public, no resolution or bylaw may be passed at the meeting, except a resolution to revert to a meeting held in public.

**Right of public
to be present**

109 Everyone has a right to be present at council meetings and council committee meetings conducted in public unless the person chairing the meeting expels a person for improper conduct.

**Electronic
communi-
cation system
meetings**

110(1) A council meeting or council committee meeting may be conducted by means of electronic or other communication facilities if

(a) notice is given to the public of the meeting, including the way in which it is to be conducted,

- (b) the facilities enable the public to watch or listen to the meeting at a place specified in that notice and a designated officer is in attendance at that place, and
- (c) the facilities enable all the meeting's participants to watch or hear each other.

(2) Councillors participating in a meeting held by means of a communication facility are deemed to be present at the meeting.

Power to
require taking
of oath

111 A council or council committee may require a person appearing before it or making any claim or submission to it to do so under oath.

Certain
agreements
prohibited

112(1) A councillor of a municipality, alone or jointly, may not enter into an agreement with the municipality by which the municipality supplies a service or goods, except for services or goods that the municipality supplies to the public generally or that are supplied to him under section 86(3)(c).

(2) An agreement made contrary to subsection (1) is void.

PART 4

MUNICIPAL ORGANIZATION AND ADMINISTRATION

Council's
principal role
in municipal
organization

113 The council is responsible for

- (a) developing and evaluating the policies and programs of the municipality;
- (b) making sure that the functions and duties of the municipality are appropriately carried out;
- (c) carrying out the functions and duties expressly given to it under this or any other enactment.

Delegation of
powers and
duties by
council

114(1) A council may by bylaw delegate any of its powers or duties under this or any other enactment to a council committee, the chief administrative officer or a designated officer, unless this or any other enactment provides otherwise.

(2) A council may not delegate

- (a) its power or duty to pass bylaws,

- (b) its powers to adopt budgets under Part 7,
- (c) its powers to reduce, defer, cancel or refund local tax under section 304,
- (d) its powers that are required by this or any other enactment to be carried out by the council, and
- (e) a duty to decide appeals imposed on it by this or another enactment or bylaw, whether generally or on a case by case basis, unless the delegation is to a council committee and authorized by bylaw.

(3) The council when delegating a matter to a person may authorize the person to further delegate the matter.

**Municipal
office**

115 A council must name a place as its municipal office.

**Establishment
of chief
administrative
officer**

116(1) Every council must establish by bylaw a position of chief administrative officer.

(2) One or more persons may be appointed to carry out the powers, duties and functions of the position of chief administrative officer.

(3) If more than one person is appointed, the council shall by bylaw determine what powers, duties and functions are to be exercised by each person.

(4) The appointment or the revocation of the appointment of a chief administrative officer may only be made by a 2/3 majority vote of the whole council.

(5) A council may, by resolution passed by a majority of the whole council, suspend a chief administrative officer.

(6) A council shall not revoke the appointment of or suspend a chief administrative officer unless it gives the officer

- (a) written notice of the proposed revocation or suspension with a statement of the reasons for it, and
- (b) a reasonable opportunity to be heard before it in person or through a representative.

(7) Council may give the chief administrative officer any title it considers appropriate.

Chief
administrative
officers'
responsibilities

117 The chief administrative officer

- (a) is the administrative head of the municipality;
- (b) is responsible for the implementation of the policies and programs of the municipality;
- (c) shall advise and inform the council on the operation and affairs of the municipality;
- (d) shall perform the duties, and may exercise the powers and functions, assigned to a chief administrative officer by this and other enactments or assigned by council.

Designated
officers

118(1) A council may by bylaw establish one or more positions to carry out the duties and powers of a designated officer under this or any other enactment or bylaw.

(2) The position or positions established under subsection (1) may be given the title or titles the council considers appropriate.

(3) The bylaw must include which of the powers, duties and functions referred to in subsection (1) are to be exercised by each position.

(4) If no position of designated officer is established or if no person is appointed to a position of a designated officer or a power or duty is not specified to be exercised by the position of designated officer, the chief administrative officer has the powers and duties of a designated officer under this and other enactments and bylaws.

Performance
of major
administrative
duties

119(1) The chief administrative officer or a designated officer, if the council has assigned the responsibility to a designated officer, must ensure that the following are carried out:

- (a) to record in the English language, without note or comment, all minutes of council meetings,
- (b) to record the names of the councillors present at council meetings,
- (c) to give the minutes of each council meeting to council for adoption at a subsequent council meeting,

- (d) to keep safe the originals of bylaws and minutes of council meetings,
- (e) to keep safe all records and other documents presented at council meetings or provided by council to the chief administrative officer,
- (f) to send the Minister a list of the councillors and any other information the Minister requires within 5 days of each organizational meeting,
- (g) to keep custody of the corporate seal, if any,
- (h) to collect and control the revenues of the municipality and issue receipts in the manner directed by council,
- (i) to deposit in a financial institution designated by council all money belonging to the municipality,
- (j) to pay accounts that are a proper charge against the municipality for any purpose authorized in the operating or capital budget or by resolution of the council,
- (k) to maintain, hold and administer municipal accounts and keep accurate records of the financial affairs of the municipality,
- (l) to report to council, as often as council directs, on the actual revenues and expenditures of the municipality compared with the estimates in the operating or capital budget approved by council, and
- (m) to prepare business assessments for the purposes of Division 2 of Part 8.

(2) Subsection (1)(a), (b), (c), (d) and (e) apply to the chief administrative officer or a designated officer in respect of council committees that are carrying out duties delegated to it by the council.

Signing or
authorization
of municipal
documents

120(1) Minutes of council and council committee meetings must be signed by

- (a) the person presiding at the meeting or the chief elected official, and
- (b) a designated officer.

(2) Bylaws must be signed by

- (a) the person presiding at the meeting at which the bylaw was given third reading or the chief elected official, and
- (b) a designated officer.

(3) Agreements and cheques and other negotiable instruments must be signed or authorized

- (a) by the chief elected official or by another person authorized by council to sign them, and
- (b) by a designated officer,

or by a designated officer acting alone if so authorized by council.

(4) A signature may be printed, lithographed or otherwise reproduced if so authorized by council.

Prohibition of
certain
agreements
with
employees

121 An employee of a municipality, alone or jointly with others, shall not make an agreement with that municipality by which the municipality provides a service or commodity to the employee, except a service or commodity that the municipality supplies to the public generally or with respect to employment.

PART 5

SPECIAL MUNICIPAL POWERS

Division 1 Expropriation

Expropriation
powers

122(1) If a council wants to acquire an estate or interest in land, inside or outside the municipality,

- (a) for a purpose authorized by an enactment,
- (b) for a purpose authorized by council that is consistent with a purpose of this Act,
- (c) in connection with an area redevelopment plan under the *Planning Act*, whether undertaken by the municipality alone or in conjunction with another person, or
- (d) to improve land owned by the municipality,

it may acquire the estate or interest in the land by expropriation under the *Expropriation Act*.

(2) The expropriation of an estate or interest in land that is outside the municipality is subject to section 131.

(3) When the council is of the opinion that the municipality can obtain at a more reasonable price or obtain greater advantage by acquiring the whole or a greater portion of any parcel of which a part may be expropriated by the municipality, the municipality may expropriate the whole or the greater portion of the parcel.

Expropriating
part of a
parcel

123(1) If a municipality's notice of intention to expropriate proposes to expropriate a portion of a parcel, the owner of the parcel may apply to the Land Compensation Board to direct the municipality to expropriate the whole of the parcel.

(2) The Land Compensation Board may direct the municipality to expropriate the whole of the parcel if, in the opinion of the Board, the expropriation of a part of the parcel is unfair or discriminatory in respect of the owner of the parcel.

Temporary
roads and
rights of way

124(1) A council may by bylaw open a temporary road on private land or establish a temporary right of way for public purposes on private land.

(2) The owner and occupier of land over which the temporary road or right of way passes are entitled to compensation from the municipality for loss or damage resulting from the bylaw.

(3) If there is no agreement on compensation, the compensation must be decided by the Land Compensation Board.

(4) The *Expropriation Act* does not apply to the opening of a temporary road or the establishment of a temporary right of way under this section.

Division 2 Sharing Taxes and Grants

Sharing taxes
and grants

125(1) A municipality may agree with

- (a) another municipality, or
- (b) a collecting board as defined in section 163 of the *School Act*,

to share local taxes or grants paid under section 219.

(2) The agreement must include a means to settle disputes arising from the agreement.

Division 3 Insurance

Exercise of
powers of
insurance
company

126(1) A municipality may exercise those powers of an insurance company pursuant to the *Insurance Act* that will enable the municipality to establish and maintain a plan of insurance to cover losses that may occur to the property of the municipality by reason of fire and other occurrences and to cover the municipality's legal liability to others arising out of accidents and occurrences, and to adjust and settle any loss, whether on a strictly legal basis or otherwise.

(2) A municipality may do all things necessary for the proper conduct and handling of the business of insurance, including reinsurance of any of those risks that may be covered by the plan with any insurance company authorized to deal in reinsurance risks.

(3) A municipality may apply for an insurance company to be incorporated by a special Act of the Legislature.

(4) The name of the company must be "The _____ Municipal Insurance Company Limited" or another similar name.

(5) The municipality may

- (a) set aside the capital necessary for the company,
- (b) deposit with the Government any money or security that the *Insurance Act* may require, and
- (c) otherwise comply with all the provisions of the *Insurance Act*.

Division 4 Water Bodies, Air Space and Roads

Water bodies
and air space

127(1) Subject to any other enactment, a municipality has the direction, control and management of the rivers, streams, watercourses, lakes and other bodies of water within the municipality, including the air space above and the ground below.

(2) Nothing in this section gives a municipality the direction, control and management of mines and minerals.

128(1) When a municipality agrees with the owner to acquire land for the purpose of a road, culvert, ditch or drain, title to the land is vested in the city, or in the case of any other municipality, the Crown in right of Alberta, by filing with the Registrar of Land Titles

- (a) plans of survey showing the land to be acquired, and
 - (b) an affidavit of a designated officer stating that
 - (i) an agreement has been reached with the registered owners of the land to be acquired and the price to be paid, and
 - (ii) all persons registered on certificates of title that have an interest in land that is within 40 metres of the boundary of the land to be acquired as shown on the plans of survey have been notified by registered mail.
- (2) When the title to land vests under subsection (1), it is not necessary to register a transfer for that land.
- (3) A municipality is not entitled to mines and minerals in any land vested in it pursuant to this section and the title to any mines or minerals is not affected by the filing of any plan of survey pursuant to this section.
- (4) In subsection (1), “registered owners” means
- (a) the owners of the fee simple estate in land;
 - (b) in the case of land that is being acquired under an agreement for sale, the owners of the fee simple estate in the land and the purchasers under the agreement for sale who have registered their interest against the certificate of title for the land;
 - (c) in the case of land that is subject to a lease for which a certificate of title has been issued, the owners of the fee simple estate in the land and the lessees under that lease.

Division 5 Holidays

Civic holidays **129(1)** A council may declare up to 2 days in a year as civic holidays.

(2) The minimum length of a civic holiday is a half day.

Division 6 Limits on Corporate Activities of Municipalities

Land

Disposal of land **130(1)** If a municipality proposes to dispose of or grant an estate or interest in

- (a) land for less than its market value, or
- (b) a public park or recreation or exhibition grounds,

the proposal must be advertised.

(2) Subsection (1) does not apply when a municipality disposes of or grants an estate or interest in land for a public utility or in land to

- (a) the Crown in right of Alberta, the Crown in right of Canada or an agent of either Crown,
- (b) a municipality or an agency of a municipality,
- (c) the board of trustees of a school district or division,
- (d) a technical institute, public college or university, or
- (e) a non-profit organization formed under a law of Alberta.

(3) This section does not apply to the disposition or grant of an estate or interest in land under the *Tax Recovery Act* before the period of redemption under that Act.

Acquisition of land outside municipal boundaries **131(1)** A municipality may acquire an estate or interest in land outside its boundaries only if

- (a) the council of the municipal authority in whose boundaries the land is located consents in writing to the acquisition or, in the case of a municipal

authority that is an improvement district or special area, the Minister consents in writing to the acquisition, and

- (b) after the written consent is given, the council who wishes to acquire the land authorizes the acquisition.

(2) If the consent cannot be obtained, either municipality may request the Governance Commission to assist in negotiations.

(3) This section does not apply when a municipality acquires an option on land outside its boundaries.

Weather Modification Agreements

Weather
modification
agreements

132(1) A municipality must not make an agreement with a person to provide weather modification services to the municipality, or amend the agreement, unless the agreement or amendment is authorized by a bylaw.

- (2) A bylaw under subsection (1) must be advertised.

Municipal Benefits and Services and Public Utilities

Providing
municipal
benefits and
services

133(1) A municipality may

- (a) supply for public consumption,
- (b) provide for public benefit or convenience, or
- (c) acquire, construct and operate

anything that the council considers is reasonably necessary for all or part of the municipality.

(2) A municipality may provide anything under subsection (1) in another municipality with the agreement of that other municipality.

Municipally
operated
public utilities

134(1) When it operates a public utility, the council may by bylaw prohibit any other person from operating the same public utility in all or any part of the municipality.

(2) A municipally operated public utility, when it is able to do so and subject to any terms established by council, must supply all buildings on land lying along the line of the public utility on request of the owner or occupant of the building.

(3) In accordance with its bylaws, a municipality may, for any lawful reason,

- (a) discontinue supplying or providing a public utility to a person or property after giving reasonable notice of its intention to do so, and
- (b) remove the equipment supplying or providing the public utility.

Water and
sewer
connections

135(1) A council may by bylaw direct the owner of a building or structure to participate in a system for

- (a) the supply of water,
- (b) the disposal of sewage, or
- (c) the control of drainage

that is operated by the municipality or a person under section 138.

(2) The bylaw may require or prohibit such things as the council considers necessary to ensure the safety, adequate drainage and proper sanitary condition of the building or structure, such as

- (a) directing the owner of the building or structure on land lying along a sewer main or water main to install equipment so that the building or structure is connected to the sewer or water mains, or both;
- (b) prohibiting the use of toilets or sanitary or septic systems that are not connected with the sewer mains and provide for toilets or sanitary or septic systems to be removed or filled in;
- (c) directing the owner of the building or structure on land abutting a road where a system of storm sewers is located to connect the building or structure to the system.

(3) If the owner does not do as the bylaw requires within the period of time fixed by the bylaw, the municipality may, in accordance with this Act, enter the land and building or structure concerned and make the connection, install the system or take such other action as is required at the expense of the owner.

Appeal

136(1) A person who uses or receives a service from a municipal public utility may appeal a service charge, rate or toll made in respect of it to the Public Utilities Board, but may not challenge the public utility rate structure itself.

(2) If the Public Utilities Board is satisfied that the person's service charge, rate or toll

- (a) does not conform to the public utility rate structure established by the municipality,
- (b) has been improperly imposed, or
- (c) is discriminatory,

the Board may order the charge, rate or toll to be wholly or partly varied, adjusted or disallowed.

Other
authorizations
and approvals

137 Nothing in this Part exempts a municipality or other person from obtaining necessary approvals or other authorizations under an enactment.

Granting rights
to provide
public utilities

138(1) A council may, by agreement, grant a right, exclusive or otherwise, to a person to provide a public utility in the whole or part of the municipality, for not more than 20 years.

(2) The agreement may grant a right, exclusive or otherwise, to use the municipality's property, including property under the direction, control and management of the municipality for the construction, operation and extension of a public utility in the municipality for not more than 20 years.

(3) Before the agreement is made, amended or renewed, it must

- (a) be advertised, and
- (b) be approved by the Public Utilities Board.

Long term
supply
agreements to
public utilities

139 If a council proposes to make an agreement for the supply to a public utility of

- (a) water or steam,
- (b) fuel, or
- (c) electric power,

for a period, with rights of renewal, that could exceed 5 years, the agreement must be approved by the Public Utilities Board before it is made.

Granting rights
for linear
property

140 A council may, for the public benefit or convenience in the municipality, make an agreement that grants to an operator of linear property a right, exclusive or otherwise, to property under the direction, control and management of the municipality.

Division 7

Limits on Making Certain Bylaws

Firearms

141 A bylaw of a county or municipal district prohibiting the discharge of guns or other firearms in all or a part of the county or municipal district has no effect until it has been approved by the Minister of Forestry, Lands and Wildlife.

Forest
protection
areas

142(1) In this section, “forest protection area” means a forest protection area designated under section 39 of the *Forest and Prairie Protection Act*.

(2) Subject to subsection (3), a council may not make bylaws respecting fire protection in the part of the municipal authority that is formed within a forest protection area.

(3) Council may make bylaws respecting fire protection that apply to fires other than forest or running fires in hamlets within a forest protection area.

(4) Sections 4(2) and (3), 7 and 19(2) of the *Forest and Prairie Protection Act* do not apply to a municipal authority with respect to the part of the municipal authority that is within the forest protection area.

Division 8

Revision and Consolidation of Bylaws

Revision
authorized

143(1) A council may by bylaw authorize the revision of all or any of the bylaws of the municipality.

(2) The bylaw may authorize a person to

- (a) consolidate a bylaw by incorporating all amendments to it into one bylaw;

- (b) omit and provide for the repeal of a bylaw or a provision of a bylaw that is inoperative, obsolete, expired, spent or otherwise ineffective;
- (c) omit, without providing for its repeal, a bylaw or a provision of a bylaw that is of a transitional nature or that refers only to a particular place, person or thing or that has no general application throughout the municipality;
- (d) combine 2 or more bylaws into one, divide a bylaw into 2 or more bylaws, move provisions from one bylaw to another and create a bylaw from provisions of another or 2 or more others;
- (e) alter the citation and title of a bylaw and the numbering and arrangement of its provisions, and add, change or omit a note, heading, title, marginal note, diagram or example to a bylaw;
- (f) omit the preamble and long title of a bylaw;
- (g) omit forms or other material contained in a bylaw that can more conveniently be contained in a resolution, and add authority for the forms or other material to be prescribed by resolution;
- (h) correct clerical, grammatical and typographical errors;
- (i) make changes, without changing the substance of the bylaw, to bring out more clearly what is considered to be the meaning of a bylaw or to improve the expression of the law.

Examination of
revised bylaws

144(1) When the person authorized to revise the bylaws has completed the revision, the person must provide the proposed revised bylaws to the chief administrative officer and certify that the bylaws have been revised in accordance with the bylaw authorizing the revision.

(2) The chief administrative officer must provide the proposed revised bylaws and the certificate to a council committee authorized to examine and approve the revised bylaws.

(3) The council committee may return the proposed revised bylaws to the person authorized to revise the bylaws to make changes if the changes are allowed under the bylaw authorizing the revision.

(4) The person authorized to revise the bylaws, after making the changes, must certify that the bylaws have been revised in accordance with the bylaw authorizing the revision and provide the proposed revised bylaws and the certificate to the chief administrative officer for transmission to the council committee.

(5) After the proposed revised bylaws have been approved by the council committee, the chief administrative officer must present the proposed revised bylaws to council.

(6) The proposed revised bylaws have no effect unless a bylaw adopting them is passed.

(7) A motion to amend the proposed revised bylaws at a reading of the bylaw adopting the proposed revised bylaws may be made only if the change under the amendment is allowed under the bylaw authorizing the revision.

(8) The bylaw adopting the revised bylaws must specify the date or dates that the revised bylaws are to come into force and the date or dates that the bylaws being repealed are repealed.

**Requirements
relating to
substituted
bylaws**

145 Revised bylaws that are in effect are deemed to have been passed as if all the requirements respecting the passing and approval of the bylaws for which the revised bylaws are substituted have been complied with.

**Effects of
revised bylaws**

146(1) The provisions of the revised bylaws substituted for the previous bylaws, when they have the same effect, operate retrospectively as well as prospectively and are deemed to have been passed on the days on which the corresponding previous bylaws came into force.

(2) If the provisions of the revised bylaws do not have the same effect,

- (a) the provision of the revised bylaws prevail with respect to all transactions, matters and things occurring on or after the day the revised bylaws come into force, and
- (b) the provisions of the previous bylaws prevail with respect to all earlier transactions, matters and things.

References to
repealed
bylaws

147 A reference in a bylaw, enactment or document to a bylaw that has been repealed by the revised bylaws is, in respect of any subsequent transaction, matter or thing occurring after the revised bylaws come into force, to be considered to be a reference to the bylaw in the revised bylaws having the same effect as the repealed bylaw.

Mistakes
made during
revision

148(1) If a mistake is made during the revision of a bylaw and the bylaw adopting the revised bylaw has been passed, the mistake may be corrected by bylaw.

(2) The bylaw correcting the mistake is deemed to have been made as if all the requirements respecting the passing and approval of the bylaw for which the revised bylaw was substituted have been complied with.

Consolidation
of bylaws

149(1) A council may by bylaw authorize a designated officer to consolidate one or more of the bylaws of the municipality.

(2) In consolidating a bylaw the designated officer must

- (a) incorporate all amendments to it into one bylaw, and
- (b) omit any provision that has been repealed or that has expired.

(3) A printed document purporting

- (a) to be a copy of a bylaw consolidated under this section, and
- (b) to be printed under the authority of a designated officer,

is prima facie proof of the original bylaw, of all bylaws amending it, and of the fact of the passage of the original and all amending bylaws.

PART 6

PUBLIC PARTICIPATION

Access to Information

Statement of
principle

150 Every person should be able to obtain information held by a municipality unless there is a reason why the information should not be disclosed.

What
information
must a
municipality
provide

151(1) Subject to this section, a chief administrative officer must on the request of any person and within a reasonable time,

- (a) provide information in the possession of the municipality, and
- (b) provide copies of the information on payment of a reasonable fee established by bylaw.

(2) The chief administrative officer must withhold the following information, within the possession of the municipality unless its disclosure is required by this or any other enactment or by an order of the court or its disclosure is consented to by the person to whom the information relates:

- (a) commercial information, the disclosure of which would
 - (i) likely prejudice the commercial position of the person who supplied it,
 - (ii) reveal a trade secret,
 - (iii) likely prejudice the municipality's ability to carry out its activities or negotiations, or
 - (iv) allow the information to be used for improper gain or advantage;
- (b) information that is subject to obligations of confidence, the disclosure of which would
 - (i) likely prejudice the future supply of similar information or advice,
 - (ii) likely prejudice the municipality's ability to carry out its activities or negotiations,
 - (iii) place councillors or employees of the municipality at risk of improper pressure or harassment,
 - (iv) breach legal professional privilege, or
 - (v) prejudice measures protecting health and safety;
- (c) personal information, including personnel information, unless its disclosure

- (i) is for the purpose for which the information was obtained or for a consistent purpose,
 - (ii) is required so that the municipality can carry out its duties and functions, or
 - (iii) is in a statistical or other form so that the names of persons are not revealed or made identifiable;
- (d) information of a deliberative kind and draft reports that are likely to be released to the public in a final form in due course except when the information or draft report is placed before a meeting held in public;
 - (e) information the disclosure of which could prejudice security and the maintenance of the law;
 - (f) information about the valuation and assessment of property under the *Property Assessment Act* and local taxes, except as provided in this or any other enactment;
 - (g) information placed before an in camera council meeting or an in camera council committee meeting, except when the information is placed before a meeting held in public;
 - (h) information that is prohibited from being released by this or any other enactment;
 - (i) other information the disclosure of which would, in the opinion of the chief administrative officer, not be in the public interest.

(3) If a chief administrative officer withholds information, the chief administrative officer must give a written notice, within a reasonable time of receiving the request, that the information is withheld and the reason why it is withheld to the person who requested it.

(4) Despite subsection (2)(d), a council may release information when public interest considerations outweigh a reason for withholding it unless the release is prohibited by this or any other enactment.

Appeal about
information
disclosure
decisions

152(1) A written appeal may be made to the council by

- (a) the person who receives a written notice that information is withheld within 15 days of receiving it, or
- (b) a person who does not receive the requested information and does not receive a written notice from the chief administrative officer within 60 days of requesting the information.

(2) The only grounds for an appeal are that the released information was not complete, that the information has been withheld without any reason being stated or that the reason for withholding the information was insufficient or wrong.

(3) A council may not consider an appeal unless the persons to whom the information relates and the persons who would be affected by the release of the information have been notified or reasonable attempts have been made to notify them of the appeal.

(4) A council's decision to withhold or release information must be in writing and is final.

Annual and Public Meetings

Annual and
public
meetings

153(1) If an annual or other public meeting is called, notice of it must be advertised and everyone is entitled to attend it.

(2) Despite subsection (1), the person chairing the meeting may expel or exclude a person from the meeting for improper conduct.

Public Hearings

When public
hearing
advertised

154(1) When this or another enactment requires council to call a public hearing on a proposed bylaw or resolution the public hearing must be held, unless another enactment specifies otherwise,

- (a) before second reading of the bylaw, or
- (b) before council votes on the resolution.

(2) If a public hearing is held on a proposed bylaw or resolution, council must conduct the public hearing during a regular or special council meeting.

(3) In the public hearing the council must hear

- (a) any person, group of persons, or person representing them, who claim to be affected by the proposed bylaw or resolution and who has complied with the procedures outlined by the council, and
 - (b) any other person who wishes to make representations and whom the council agrees to hear.
- (4) After considering the representations made to it about a proposed bylaw or resolution at a public hearing and after considering any other matter it considers appropriate, the council may
- (a) make any amendment it considers necessary to the bylaw or resolution, if any, and proceed to pass it, or
 - (b) defeat the proposed bylaw or resolution.
- (5) The minutes of the regular or special council meeting during which a public hearing is held must record the public hearing to the extent directed by the council.

Electors Vote on Bylaws and Resolutions

Petition to
amend or
repeal a bylaw
or resolution

155(1) Electors may petition for

- (a) a new bylaw, or
- (b) a bylaw to amend or repeal a bylaw or resolution

on any matter within the jurisdiction of the council under this Act but a petition requesting an amendment or repeal of a bylaw or resolution with respect to matters referred to in Part 7 or 8 has no effect.

(2) A petition requesting an amendment or repeal of a bylaw or resolution has no effect unless it is filed with the municipality within 60 days after the day on which that bylaw or resolution is passed.

(3) Within 30 days of receiving a sufficient petition requesting an amendment or repeal of a bylaw or resolution the council must

- (a) give first reading to a bylaw dealing with the subject-matter of the petition, and any other related matters the council considers necessary, and
- (b) within 30 days after the date on which it receives first reading fix a date for a vote of the electors on

the bylaw in accordance with the *Local Authorities Election Act*.

(4) A council does not need to conduct a vote of the electors if the amendment or repeal of a bylaw or resolution requested by the petition is passed before the notice of the vote is given.

(5) Within 30 days of receiving a sufficient petition requesting council to pass a new bylaw, the council must

- (a) give first reading to a bylaw dealing with the subject-matter of the petition, and any other related matters the council considers necessary, and
- (b) fix a date for a vote of the electors on the bylaw within 30 days after the date on which it receives first reading.

(6) Council need not conduct a vote of the electors if the new bylaw requested by the petition is passed before notice of the vote is given.

Electors to
vote on a
question

156 A council may provide for the submission of a question to be voted on by the electors on any matter not specifically authorized by this Act but over which the council has jurisdiction.

Result of a
vote on a
question

157(1) If a majority of electors voting pursuant to a petition under section 155 or pursuant to a question submitted by council under section 156 vote in favour of a new bylaw, the bylaw as submitted to the vote must be passed by council within 30 days of the date of the vote, without any alteration affecting its substance.

(2) If a majority of electors voting pursuant to a petition under section 155 oppose a proposed bylaw, council must not give the bylaw any further readings and all previous readings are rescinded.

Petition for
vote on
advertised
bylaws and
resolutions

158(1) The electors in a municipality may submit a petition that requests a vote of the electors to determine whether a proposed bylaw or resolution, that the council is required to advertise, should be passed.

(2) A signature on a petition presented under this section is effective for 60 days from the last day on which the proposed bylaw or resolution is advertised.

(3) Despite section 155, if electors in a municipality submit a sufficient petition under this section for a vote of the electors on

- (a) a proposed bylaw required to be advertised by Part 6, within 15 days of the last date on which the proposed bylaw or resolution is advertised, or
- (b) a proposed bylaw or resolution required to be advertised by any other provision of this Act, within 60 days of the last date on which the proposed bylaw is advertised,

the council must make a decision under subsection (4).

(4) The council

- (a) may decide not to proceed with the proposed bylaw or resolution, or
- (b) if it decides to proceed with the proposed bylaw or resolution, must submit the bylaw or resolution to a vote of the electors.

(5) If a vote of the electors approves the proposed bylaw or resolution, the council may proceed to pass it.

(6) If a vote of the electors does not approve the proposed bylaw or resolution, the council must

- (a) not give the bylaw any further readings and any previous readings are rescinded, or
- (b) not pass the resolution.

(7) If a sufficient petition is not received

- (a) within 15 days for a petition under subsection (3)(a), or
- (b) within 60 days for a petition under subsection (3)(b)

from the last day the proposed bylaw or resolution is advertised, the council may proceed to pass the proposed bylaw or resolution.

Two or more
bylaws or
resolutions
advertised at
one time

159 A separate petition must be filed with respect to each advertised bylaw or resolution even if a council advertises 2 or more bylaws or resolutions in a single advertisement.

Delaying votes **160(1)** If council receives a petition for a vote of the electors within 6 months of a general election and a vote of electors is to be conducted pursuant to the petition, the council may direct that the vote be conducted at the next general election.

(2) A vote under subsection (1) must be conducted on the date of the general election whether or not a general election is conducted.

(3) If a council wants to submit any question or matter to a vote of the electors at a general election or by-election, other than a vote referred to in subsection (1) but it becomes unnecessary to conduct a general election or by-election, the council may defer the vote to the next general election or by-election or fix some other date for the vote.

Local
Authorities
Election Act
applies

161(1) A vote of the electors on a new bylaw or on an amendment or repeal of a bylaw or resolution must be conducted in accordance with the *Local Authorities Election Act*.

(2) The notice of the vote on a bylaw must set out the text or a reasonably complete description of the bylaw to be voted on.

One year
moratorium on
similar subject
matter

162 If a vote of the electors is conducted on a bylaw, the council may refuse to receive any further petitions on a similar subject filed within one year of the date of the vote.

Amendments
or repeal of
bylaws voted
on by electors

163(1) A council may amend or repeal a bylaw pursuant to a vote of the electors on the bylaw

- (a) if the proposed amendment or repeal is advertised and 3 years have passed from the date of the vote of the electors,
- (b) at any time, if the majority of the electors vote in favour of the proposed amendment or repeal, or
- (c) at any time, if at least 10 years have elapsed from the date of the vote of the electors.

(2) A council may amend a bylaw passed pursuant to a vote of the electors on the bylaw if the amendment does not affect the substance of the bylaw or resolution.

Petitions

Rules for petitions

164 Sections 165 to 172 apply to all petitions to the council, the Minister and the Governance Commission under this Act, any other enactment or bylaw except to the extent that they are modified by this Act or any other enactment.

CAO duties

165 When the Minister or the Governance Commission receives a petition, the Minister or the Governance Commission must designate a person to carry out the duties of a chief administrative officer with respect to the petition.

Petition sufficiency requirements

166 A petition is sufficient if it meets the requirements of sections 165 to 172.

Who can petition

167 Unless otherwise provided in this or any other enactment only electors of a municipality are eligible to be petitioners.

Number of petitioners

168(1) A petition must be signed by the required number of petitioners.

(2) If requirements for the minimum number of petitioners are not set out under other provisions of this or any other enactment then, to be sufficient, the petition must be signed,

- (a) in the case of a municipality with a population of less than 10 000, by electors equal in number to at least 10% of the population;
- (b) in the case of a municipality with a population of 10 000 or more, by electors equal in number to at least the greater of 1000 or 5% of the population;
- (c) in the case of a summer village, 10% of the persons entitled to vote at an election of the council of the summer village.

Other requirements for a petition

169(1) A petition must consist of one or more pages, each of which must contain an identical statement of the purpose of the petition.

(2) The petition must include, for each petitioner,

- (a) the printed surname and printed given names or initials of the petitioner,

- (b) the petitioner's signature,
- (c) the street address of the petitioner or the legal description of the land on which the petitioner lives, and
- (d) the date on which the petitioner signs the petition.

(3) Each signature must be witnessed by an adult person who must

- (a) sign opposite the signature of the petitioner, and
- (b) take an affidavit that to the best of the person's knowledge the signatures witnessed are those of persons entitled to sign the petition.

(4) The petition must have attached to it a signed statement of a person stating that

- (a) the person is the representative of the petitioners, and
- (b) the municipality may direct any inquiries about the petition to the representative.

**Counting
petitioners**

170(1) A petition must be filed with the chief administrative officer who must cause to be counted the number of petitioners who have signed the petition and otherwise determine whether it is sufficient.

(2) No name may be added to or removed from a petition after it has been filed with the chief administrative officer.

(3) In counting the number of petitioners on a petition there must be excluded the name of a person

- (a) whose signature is not witnessed,
- (b) whose signature appears on a page of the petition that does not have the same purpose statement that is contained on all the other pages of the petition,
- (c) whose printed name is not included or is incorrect,
- (d) whose street address or legal description of land is not included or is incorrect.

- (e) if the date when the person signed the petition is not stated,
- (f) when a petition is restricted to certain persons,
 - (i) who is not one of those persons, or
 - (ii) whose qualification as one of those persons is not, or is incorrectly, described or set out,

or

- (g) who signed the petition more than 60 days before the date on which the petition was filed with the chief administrative officer.

(4) If 5000 or more petitioners are necessary to make a petition sufficient, a chief administrative officer may use a random statistical sampling method with a 95% confidence level to determine the sufficiency of the petition, instead of counting and checking each petitioner.

Report on
sufficiency of
petition

171(1) Within 30 days of the date on which a petition is filed, the chief administrative officer must make a declaration to the council, Minister or Governance Commission on whether the petition is sufficient or insufficient.

(2) A petition is deemed to be received by the council, Minister or Governance Commission on the day the chief administrative officer declares whether the petition is sufficient.

(3) If a petition is not sufficient, the council, Minister or Governance Commission is not obliged to take any notice of it.

Petition for
public meeting

172 Within 30 days after a council receives a sufficient petition requesting a public meeting or an annual meeting, the chief elected official must call such a meeting to discuss the matters stated in the petition.

PART 7

FINANCIAL ADMINISTRATION

Division 1

Accounts and Financial Year

**Establishment
of municipal
accounts**

173(1) Only a person authorized by the council may open or close accounts to hold, administer or invest money of a municipality.

(2) Money of a municipality must be kept in a financial institution designated by the council.

**Municipal
revenue**

174(1) All revenue of a municipality must be paid into one or more accounts of the municipality.

(2) The accounts of a municipality must be administered

(a) by a designated officer, or

(b) in accordance with a bylaw.

Financial year

175 The financial year of a municipality is the calendar year.

Division 2

Budgets and Investments

**Adoption of
operating
budget**

176(1) Before the end of each calendar year, a council must adopt

(a) an operating budget for the next calendar year, or

(b) an interim budget for part of the next calendar year.

(2) If a council adopts an interim budget, it must adopt an operating budget for the calendar year on or before April 30.

(3) If a council does not adopt an operating budget or an interim budget before a calendar year starts, the council is deemed to have adopted 1/3 of the estimated expenditures in the immediately preceding year's operating budget as an interim budget for the first 4 months of the calendar year.

(4) On adoption, an operating budget repeals and replaces an interim budget.

177(1) An operating budget or an interim budget must show the estimated amount of each of the following expenditures:

- (a) the amount needed to provide for the council's policies and programs;
- (b) the amount needed to pay the debt obligations of the municipality in the current year;
- (c) if necessary, the amount needed to provide for a depreciation or depletion allowance, or both, for public utilities owned by the municipality;
- (d) the amount needed to recover deficiencies in revenue or to pay for over-expenditures in the 3 previous calendar years, unless otherwise directed by the Minister.

(2) The Minister may direct, at any time, that revenues be raised or expenditures be made for any period of time the Minister considers appropriate to recover the deficiencies in revenue or to pay the over-expenditures referred to in subsection (1)(d).

(3) An operating budget or an interim budget must show the estimated amount of revenue proposed to be raised from each of the following sources:

- (a) property tax;
- (b) business tax;
- (c) special tax;
- (d) provincially authorized local tax;
- (e) local improvement tax;
- (f) business revitalization zone levies;
- (g) grants to be paid instead of local taxes under section 219 or any other enactment;
- (h) other grants or payments to be paid by Federal, Provincial or other governments or local authorities;
- (i) the municipality's accumulated surplus funds or reserves;
- (j) any other source.

(4) The estimated revenue under subsection (3) must be at least sufficient to pay the estimated expenditures under subsection (1).

Adoption of
capital budget

178 On or before April 30 in each calendar year, a council must

- (a) adopt a capital budget for that calendar year, and
- (b) prepare an estimate of capital expenditures for at least the following 3 calendar years.

Contents of
capital budget

179(1) A capital budget must show

- (a) the estimated cost of acquiring, constructing or improving capital assets that have a useful life of more than one year,
- (b) if necessary, the estimated cost of removing a capital asset after its useful life is over,
- (c) the anticipated sources and amounts of money to pay the costs referred to in clauses (a) and (b), and
- (d) the estimated annual operating costs and revenues associated with a capital asset.

(2) The Minister may make regulations describing what may be included as part of the estimated costs under subsection (1)(a).

Expenditure of
money

180(1) A municipality may only make an expenditure that is

- (a) included in an interim, operating or capital budget or otherwise authorized by the council,
- (b) for an emergency, or
- (c) legally required to be paid.

(2) A council must establish procedures to authorize and verify expenditures that are not included in a budget.

Civil liability of
councillors

181(1) Councillors authorizing an expenditure

- (a) that is not included in an interim, operating or capital budget,
- (b) that is not for an emergency, or

- (c) that is not legally required to be paid,

are jointly and severally liable to the municipality for the expenditure.

(2) Subsection (1) does not apply if the expenditure is authorized by council.

Special
purpose
reserve funds

182(1) Money collected for a special purpose reserve fund

- (a) must be recorded separately in the accounting records of the municipality, and
- (b) may only be spent for the purpose for which the fund was established or as authorized under subsection (2) or (3).

(2) If the purpose of a special purpose reserve fund is fulfilled, the council may authorize any money remaining in the fund to be used for some other purpose.

(3) If the purpose of a special purpose reserve fund is to be changed or is no longer required, the council, by bylaw, may authorize any money remaining in the fund to be used for some other purpose.

(4) A bylaw under subsection (3) must be advertised.

Investments

183(1) A municipality may only invest in

- (a) securities issued or guaranteed by
 - (i) the Crown in right of Canada or an agent of the Crown, or
 - (ii) the Crown in right of a Province or an agent of the Province,
- (b) debentures of a municipality, school division, school district, hospital district or regional services commission in Alberta,
- (c) securities that are issued by a bank, treasury branch, credit union or trust corporation,
- (d) units in pooled funds of all or any of the investments described in clauses (a) to (c), and

- (e) investments or classes or types of investments authorized by the Lieutenant Governor in Council.

(2) In this section, “securities” includes bonds, debentures, trust certificates, guaranteed investment certificates or receipts, certificates of deposit, deposit receipts, bills, notes and mortgages of real estate or leaseholds and rights or interests in respect of a security.

(3) Nothing in this section prevents a municipality from acquiring a share or membership in

- (a) a society, credit union, co-operative or other non-profit entity established under a law of Canada or Alberta, or
- (b) a company or corporation that is prohibited from paying dividends to its members and distributing the assets to its members on a winding-up.

Interest in a corporation

184 A municipality may, with the prior approval of the Minister, acquire shares of a corporation that operates with a view to profit and is established or operates under

- (a) the *Canada Business Corporations Act*, or
- (b) the *Business Corporations Act*.

Division 3 Borrowing

Borrowing power

185(1) A municipality may only borrow money if it is authorized to do so by a bylaw and the borrowing is done in accordance with this Division.

(2) Except as provided in this or another enactment, a bylaw that authorizes borrowing

- (a) must be advertised, and
- (b) requires the approval of the Local Authorities Board

before the money can be borrowed.

(3) The amount borrowed under a bylaw under this section must be applied to the purposes stated in the bylaw.

(4) A person lending money to a municipality is not bound to establish the necessity for the borrowing or to see that it is applied to the purpose for which it is borrowed.

Use of money
intended for
capital
purposes

186 Money in the possession of a municipality for capital purposes must not be spent for operating purposes unless the spending is temporary and the amount spent is available when it is needed for the intended capital purpose.

Temporary
borrowing for
operating
expenditures

187(1) The total amount temporarily borrowed to meet current operating expenditures or other amounts the municipality is legally required to pay at any one time must not exceed the amount of local taxes imposed or estimated to be imposed for the current year.

(2) Borrowing under this section does not require the approval of the Local Authorities Board and does not need to be advertised.

Temporary
borrowing for
capital
expenditures

188(1) The total amount temporarily borrowed to meet capital expenditures outstanding at any one time of the municipality must not exceed the difference between

- (a) the amount of the capital budget for that and previous calendar years for which debentures have not been issued for capital projects, and
- (b) the financing received for capital projects from any other source.

(2) Borrowing under this section does not require the approval of the Local Authorities Board and does not need to be advertised if

- (a) the term of the borrowing is for 3 years or less, and
- (b) the yearly payments of principal and interest do not exceed 10% of the revenue of the municipality in the previous calendar year.

(3) The total of all payments for borrowing under this section must not exceed 30% of the estimated revenue of the municipality in the previous calendar year as shown in the operating budget for that year.

Bylaws that do not need to be advertised

189(1) If a bylaw that authorizes borrowing has been passed and

- (a) because of an increase in the cost of the capital project for which the debt is incurred, the money to be raised under the bylaw is insufficient, and
- (b) there is no change to the project,

the council may, with the approval of the Local Authorities Board, amend the bylaw to increase the borrowing authorized to an amount sufficient to finance the project and the amendment does not need to be advertised.

(2) A bylaw that authorizes borrowing

- (a) for the construction of any work ordered under an enactment, or
- (b) to pay a deficiency in a sinking fund account established in accordance with the *Local Authorities Board Act*,

does not need to be advertised.

(3) A bylaw that authorizes borrowing to meet the whole or any part of the cost or estimated cost of a local improvement

- (a) must provide that the amount borrowed be repaid within the probable lifetime of the local improvement, and
- (b) does not need to be advertised unless the share of the cost or estimated cost to be borne by the municipality is greater than 50% of the cost or estimated cost of the local improvement.

(4) A bylaw that authorizes borrowing to improve, extend or rehabilitate an existing capital asset does not need to be advertised.

(5) A bylaw that authorizes borrowing to buy or redeem the whole or any part of the outstanding debentures of the municipality before maturity does not need to be advertised.

Borrowing until financing is received

190(1) If a bylaw authorizes borrowing to finance a service or activity that is the subject of an agreement between the municipality and another local authority or the Crown in right of Alberta or Canada or an agent of either Crown, the municipality may borrow for that purpose until it receives payment under the agreement, but

- (a) the total amount borrowed must not exceed the total amount that will be paid to the municipality under the agreement,
- (b) payments received by the municipality under the agreement must be applied first to reducing the amount borrowed, and
- (c) the term of the borrowing must not continue beyond the date on which the final payment under the agreement is received by the municipality.

(2) A bylaw referred to in subsection (1) does not need to be advertised and does not require the approval of the Local Authorities Board.

Division
applies to
loans and
guarantees

191(1) A municipality may

- (a) lend money to an organization, or
- (b) guarantee the repayment by an organization of a loan

for the acquisition or construction of a facility, if the council considers that the facility will be of benefit to the municipality.

(2) The provisions of this Division respecting borrowing apply to a loan or guarantee under subsection (1).

Division 4 Debenture Borrowing

Debenture
borrowing

192(1) A municipality may only raise money by the issue of debentures if the debentures are authorized by bylaw and the money raised is for a purpose authorized in a capital budget.

(2) The *Local Authorities Board Act* applies to the issue of debentures by a municipality.

(3) A debenture issued in accordance with a bylaw under this section is valid and binding on the municipality and on the property liable to the rate imposed by or under the bylaw, and the validity of the bylaw and the debenture is not open to question in any court.

193(1) A debenture bylaw must state

- (a) the amount of the debt to be created and, in general terms, the object for which it is created,
- (b) the term of the debt and the means by which the principal and interest owing on the debt are to be paid,
- (c) the maximum rate of interest in figures or by reference to the rate fixed from time to time by the Alberta Municipal Financing Corporation and whether interest is to be paid annually or semi-annually, and
- (d) the amount of the existing debenture debt of the municipality and whether any of the principal or interest owing on the debt is in arrears.

(2) A debenture bylaw must be in the form and contain the further provisions required by the Local Authorities Board.

194(1) A debenture must be repaid within 50 years from the date of its issue.

(2) No debenture may be issued more than 6 years after the date of third reading of the bylaw authorizing the debenture issue.

195 With the approval of the Local Authorities Board, any unused balance of money raised by the issue of a debenture may be used for another capital expenditure.

196(1) A council, without passing a bylaw, may cancel a debenture and issue one or more debentures in substitution for it having an equal aggregate principal amount, if the substitute debenture or debentures are of the same series, bear the same interest rate and have the same maturity date as the cancelled debenture.

(2) The issue of a substitute debenture under subsection (1) does not require the approval of the Local Authorities Board.

197(1) A municipality, by bylaw, may consolidate the debt or part of the debt created under 2 or more debenture bylaws if the interest rates and terms stated in the bylaws are the same.

(2) A municipality, by bylaw, may consolidate the debt or part of the debt created under other debenture bylaws with the approval of the Local Authorities Board.

(3) A bylaw under this section does not need to be advertised.

Seal and
signatures

198(1) On the request of a council, the Local Authorities Board may sign a debenture issued by the municipality to indicate that the Local Authorities Board approves.

(2) The seal and signatures on a debenture may be reproduced and the reproduction has the same effect as if the seal or signature had been personally affixed or signed.

Debenture
Register

199(1) A municipality must keep a record known as the “Debenture Register”.

(2) Particulars of every bylaw authorizing the issue of debentures and of all debentures issued under each bylaw must be entered in the Debenture Register.

Certificate of
ownership

200(1) A certificate signed by a designated officer is evidence of the registration of a debenture in the Debenture Register and may be referred to as a “certificate of ownership”.

(2) A designated officer must enter in the Debenture Register a copy of

(a) each certificate of ownership, and

(b) each transfer of a certificate of ownership.

(3) Every debenture registered in the Debenture Register is valid and binding in the hands of the municipality or a purchaser for value despite any defect in form or substance.

(4) A debenture may provide that a transfer of ownership must not be registered in the Debenture Register until written authority has been received from

(a) an unregistered holder in the case of a bearer debenture, or

(b) the person last entered in the Debenture Register as the owner of the debenture or from that person’s executor, administrator or agent.

(5) On receipt of written authority, the debenture must be transferred

- (a) by entry in the Debenture Register, and
- (b) by a designated officer issuing a transfer of a certificate of ownership to the new owner.

(6) When the signature on a written authority under subsection (4) is certified to be the true signature by

- (a) a bank, treasury branch or credit union,
- (b) a member of the Investment Dealers' Association of Canada,
- (c) a notary public, or
- (d) any other person authorized by bylaw and approved by the Local Authorities Board,

neither the designated officer nor the municipality is liable to the true owner for any loss caused by the transfer in the event that the written authority was not signed by the true owner.

(7) If any interest coupons are detached from a debenture, the coupons are transferable by delivery.

**Sinking fund
account**

201(1) If a sinking fund is to be used to pay off the debt created by a debenture, a designated officer must maintain a separate account to be known as the "sinking fund account" of the municipality.

(2) There must be paid into the sinking fund account

- (a) money collected for the purposes of a sinking fund,
- (b) money raised by a debenture issued to pay a deficiency in a sinking fund, and
- (c) any other money that the council directs to be credited to the sinking fund.

(3) If the sinking fund account is no longer required, the council, by bylaw, may authorize any money remaining in the account to be used for some other purpose.

(4) A bylaw under subsection (3) must be advertised.

Division 5

Annual Financial Statements and Auditor's Report

Annual
financial
statements

202(1) Every municipality must prepare annual financial statements of the municipality for the immediately preceding calendar year in accordance with

- (a) the generally accepted accounting principles for municipal governments recommended from time to time by the Canadian Institute of Chartered Accountants, and
- (b) any modification of the principles referred to in clause (a) or any supplementary accounting standards or principles established by the Minister by regulation.

(2) The annual financial statements must be in the form established by the Minister by regulation.

(3) The annual financial statements and an auditor's report on the statements under section 211 must be sent to the Deputy Minister by the following date:

- (a) May 1 for municipalities having a population of more than 25,000;
- (b) March 15 for other municipalities.

(4) Not later than 60 days after the financial statements are to be sent to the Deputy Minister, the council must make them, or a summary of them, available to the public in the manner the council considers appropriate.

Auditors for
municipality

203(1) Every council must appoint one or more auditors for the municipality.

(2) A council may not appoint an employee of the municipality under subsection (1).

Access to
information by
auditors

204(1) An auditor appointed by the council is at all reasonable times and for any purpose related to an audit entitled to access to

- (a) the records of the municipality, and
- (b) data processing equipment owned or leased by the municipality.

(2) A councillor, chief administrative officer, designated officer, employee or agent of or a consultant to a municipality must give the auditor any information, reports or explanations the auditor considers necessary.

(3) An auditor who receives information from a person whose right to disclose that information is restricted by law holds that information under the same restrictions respecting disclosure that govern the person from whom the information was obtained.

**Auditor's
reports**

205(1) The auditor must report to the council on the annual financial statements of the municipality.

(2) The report must include

(a) a statement

(i) as to whether the auditor's examination was made in accordance with generally accepted auditing standards, and

(ii) as to whether, in the auditor's opinion, the annual financial statements present fairly the financial position of the municipality, the results of its operations and the changes in its financial position for the year, in accordance with the disclosed basis of accounting,

(b) when the report contains a reservation of opinion by the auditor, the reasons for that reservation and the effect of any deficiency on the financial statements, and

(c) any other comments related to the audit of the financial statements that the auditor considers appropriate.

(3) The auditor must separately report to the Council any improper or unauthorized transaction or noncompliance with this or another enactment or a bylaw that is noted during the course of an audit and must forward a copy of the report to the Deputy Minister.

(4) The Minister or the council may require any further examination and report from the auditor that is considered necessary.

Other auditors **206(1)** A council must appoint one or more auditors for each administrative body that handles money of the municipality if there is no statutory requirement for an audit of that administrative body.

(2) Sections 204 and 205 apply to an auditor appointed under subsection (1).

PART 8

LOCAL TAXES

Definitions **207** In this Part,

- (a) “council” includes
 - (i) the Minister, in respect of an improvement district or special area, and
 - (ii) a collecting board as defined in section 163 of the *School Act* in respect of a school district as defined in the *School Act*;
- (b) “land and improvements” has the same meaning it has in the *Property Assessment Act*;
- (c) “municipality” includes
 - (i) an improvement district,
 - (ii) a special area, and
 - (iii) a school district as defined in the *School Act*, in respect of which a collecting board is authorized to levy and collect taxes under section 164 of that Act;
- (d) “parcel of land” has the same meaning it has in the *Property Assessment Act*;
- (e) “property” has the same meaning it has in the *Property Assessment Act*.

Partial exemptions **208(1)** If property is exempt from taxation while it is used for a specified purpose, the property is liable to taxation under this Part to the extent that the use of the property does not come within the exemption and any local tax imposed is payable in respect of and recoverable against the entire property as if the exemption does not exist.

(2) If part of property is exempt from taxation, the rest of the property is liable to taxation under this Part and any local tax imposed is payable in respect of and recoverable against the entire property as if the exemption does not exist.

(3) If property that is exempt from taxation is

- (a) sold to a purchaser under an agreement for sale, or
- (b) occupied under a lease, licence or permit from the Crown or a local authority,

the property is liable to taxation under this Part for the period occurring after the sale or occupation, and the purchaser or occupant of the property is liable to pay local taxes in the same manner as if the purchaser or occupant were the owner of the property unless the purchaser or occupant is exempt from taxation.

Division 1 Property Tax

Application of Division	209 This Division applies to the taxation of property under a property tax bylaw.
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Taxable property	210 All property in a municipality is liable to taxation under the property tax bylaw of the municipality unless it is exempt in accordance with this Division or another enactment.
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Exemption under Property Assessment Act	211 Property that is exempt from valuation and assessment under the <i>Property Assessment Act</i> is exempt from taxation under a property tax bylaw.
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Exemption due to land use	212(1) The following property is exempt from taxation under a property tax bylaw:
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- (a) land and improvements owned by a municipality, unless subsection (2) applies;
- (b) land and improvements owned by
 - (i) the board of trustees of a school district or school division, or
 - (ii) the operator of a private school registered under the *Department of Education Act*,

that are used in connection with school purposes, but not including

- (iii) any property used for residential purposes other than a residence for students, or
 - (iv) any property or part of any property used chiefly for other purposes;
- (c) land and improvements owned by a religious body that are used chiefly for religious purposes and land that is owned by a religious body and used only as a parking area in connection with the religious purpose;
- (d) land used as a cemetery, to the extent of 25 acres, and any additional land that has been conveyed by the owner of a cemetery to individuals as lots or plots for the sole purpose of burial sites, and any building or structure that is on the land and used for burial purposes;
- (e) land and improvements used in connection with hospital purposes that are owned by the board of directors of a hospital district that receives financial assistance from the Crown in right of Alberta under any Act, but not including land and improvements
 - (i) used as a residence other than a student nurses' residence,
 - (ii) used for parking, or
 - (iii) held under a lease, licence or permit in whole or in part by another person;
- (f) land and improvements used in connection with health unit purposes that are owned or leased from a municipality or the Crown in right of Canada or Alberta by the board of directors of a health unit that receives financial assistance from the Crown in right of Alberta under any Act, but not including land and improvements
 - (i) used as a residence, or
 - (ii) used for parking;

- (g) land and improvements owned or leased by a library board established under the *Libraries Act* that are used chiefly in connection with library purposes;
- (h) a waterworks supply, waterworks distribution system and water metering facilities used chiefly to provide domestic water supply service;
- (i) a water conveyance system operated in connection with a manufacturing or processing plant, including any facilities designed and used to treat water to meet municipal standards, but not including anything designed and used for
 - (i) the further treatment of the water supply to meet specific water standards for a manufacturing or processing operation,
 - (ii) water reuse,
 - (iii) fire protection, or
 - (iv) the production or transmission of a natural resource;
- (j) a system used to treat and dispose of domestic sewage;
- (k) a sewage conveyance system operated in connection with a manufacturing or processing plant and any facilities designed and used to treat and dispose of normal domestic sewage, but not including anything designed and used for the treatment of other effluent from the manufacturing or processing plant;
- (l) land and improvements owned and operated by a non-profit organization, while used chiefly to provide living accommodation for senior citizens or persons suffering from a physical or mental disability;
- (m) land and improvements owned by a foundation established under the *Senior Citizens Housing Act* or operated by a non-profit organization under section 12 of that Act, while used chiefly to provide living accommodation for senior citizens who have no equitable interest in the land and improvements;
- (n) land and improvements owned by a board of directors of an irrigation district, but not including any portion of land or improvements used or

intended to be used to produce electric power or for residential purposes;

(o) a new improvement

(i) intended to be used for manufacturing or processing purposes, or

(ii) intended to be used in connection with a manufacturing or processing operation for the storage of the materials manufactured or processed,

that is not completed or in operation before December 31;

(p) land held under a homestead or cultivation lease from the Crown in right of Alberta.

(2) The Lieutenant Governor in Council may order that property described in subsection (1)(a) is liable to taxation under the property tax bylaw of the municipality.

Exemption for
Crown and
other bodies

213(1) A right, title or interest of the Crown is exempt from taxation under a property tax bylaw.

(2) The following are exempt from taxation under a property tax bylaw:

(a) land and improvements owned by

(i) the board of governors of a university under the *Universities Act*,

(ii) the board of governors of a technical institute under the *Technical Institutes Act*,

(iii) the board of governors of a public college under the *Colleges Act*, or

(iv) the governing body of an educational institution affiliated with a university under the *Universities Act*,

but not including property used for residential purposes or held in whole or in part under a lease, licence or permit by another person;

(b) land and improvements owned by

- (i) a students' union of a university,
- (ii) a graduate students' association of a university,
- (iii) a students' association of a technical institute, or
- (iv) a students' association of a public college,

but not including property used for residential purposes or held in whole or in part under a lease, licence or permit by another person;

- (c) linear property forming part of a gas distribution system where the system is owned or operated by a municipality or a rural gas co-operative association organized under the *Co-operative Associations Act*, and
 - (i) the system serves a hamlet or municipality having a population of less than 500, or
 - (ii) the majority of the customers are rural gas consumers as defined in the regulations.

Exemption by
bylaw

214(1) A municipality, by bylaw, may partly or completely exempt all or any of the following from taxation under the property tax bylaw:

- (a) land owned by a non-profit organization or leased by a non-profit organization from the Crown in right of Alberta or Canada or from a municipality or from another non-profit organization, and any improvements on it, used chiefly for
 - (i) a charitable, educational, religious, benevolent or welfare purpose that is to the general community advantage or benefit,
 - (ii) community games, sports, athletics, recreation or other purposes,
 - (iii) a senior citizen centre, or
 - (iv) a recreation camp not exceeding 5 acres;
- (b) land and improvements used for a nursing home administered under the *Nursing Homes Act*;

- (c) land and improvements owned and used by an agricultural society organized or formed under the *Agricultural Societies Act*;
- (d) land and improvements owned or leased by and used only for the Canadian Youth Hostel Association if they are not operated for profit or gain;
- (e) land and improvements owned or leased from the Crown in right of Alberta or Canada and used chiefly for a branch or local unit of the Royal Canadian Legion, the Army, Navy and Air Force Veterans in Canada or other organization of former members of any armed forces;
- (f) land and improvements owned or occupied by lease or licence from the Crown in right of Alberta or Canada or a municipality and used chiefly for Ducks Unlimited (Canada);
- (g) land and improvements exempt from taxation by an order of the Local Authorities Board under section 216.

(2) Property listed in subsection (1) is exempt from taxation under a property tax bylaw in respect of any amounts the municipality becomes liable to pay under section 223(1)(b)(ii) unless section 218 applies.

(3) Property that has been exempted under subsection (1) is exempt from taxation under a property tax bylaw in respect of any amounts the municipality becomes liable to pay under section 223(1)(b)(i) and (iii) unless section 218 applies.

Manufacturing
or processing
machinery and
equipment

215 A municipality, by bylaw, may partly or completely exempt all or any manufacturing or processing machinery and equipment as defined in the *Property Assessment Act* from taxation under the property tax bylaw of the council.

Exemption by
Local
Authorities
Board

216(1) A non-profit organization may appeal a decision of a council under section 214 to the Local Authorities Board.

(2) On hearing an appeal, the Board may make an order declaring land or improvements, or both, to be exempt from taxation under a property tax bylaw if

- (a) the organization

- (i) owns the property,
- (ii) leases the property from the Crown in right of Alberta or Canada or from a municipality, or
- (iii) owns the property and leases the property from another non-profit organization,

and

- (b) the land or improvements, or both,
 - (i) are used chiefly for a charitable, educational, religious, benevolent or welfare purpose that is to the general community advantage or benefit, and
 - (ii) are liable to taxation under a property tax bylaw.

(3) An order of the Local Authorities Board is not effective unless it is approved by the Lieutenant Governor in Council.

Exemption by
private Act

217(1) Even though land or improvements are exempt under a private Act or an order under section 216 from taxation under this Part, they may be liable to taxation under a property tax bylaw if the council, by bylaw, specifically so declares.

(2) Property that is exempt under a private Act or an order under section 216 is exempt from taxation under a property tax bylaw in respect of any amounts the municipality becomes liable to pay under section 223(1)(b) unless section 218 applies.

(3) This section applies despite any private Act and regardless of whether the private Act is passed before or after this Act comes into force.

Licensed
premises not
exempt

218 An improvement or any part of it that is licensed under the *Liquor Control Act* is liable to taxation under a property tax bylaw even though it is exempt from taxation under this Division.

Grants instead
of taxes

219(1) In this section, "Crown" means the Crown in right of Alberta.

(2) Each year a municipality in which land and improvements owned by the Crown is located may apply to the Minister of Public Works, Supply and Services for a grant under this section.

(3) The Crown may pay a grant to a municipality each year that does not exceed the amount that would be recoverable by the municipality if the land and improvements owned by the Crown in the municipality were subject in that year to a property tax bylaw, business tax bylaw, special tax bylaw, provincially authorized local tax and a business revitalization zone levy.

(4) The following land and improvements must not be included as Crown property when calculating a grant under this section:

- (a) land and improvements forming part of an undertaking in respect of the conservation, irrigation, reclamation, rehabilitation or reforestation of land;
- (b) parks or museums;
- (c) land and improvements used for or in connection with academic, trade, forestry or agricultural schools, colleges or universities;
- (d) land and improvements used for or in connection with hospitals and mental institutions;
- (e) environmental reserves, municipal reserves, school reserves, municipal and school reserves, and other undeveloped properties reserved for municipal utilities or services;
- (f) roadside camps and picnic grounds;
- (g) land and improvements owned by an agent of the Crown in right of Alberta in respect of which another enactment provides for payment of a grant instead of local taxes;
- (h) land or improvements, or both, or a class of them, exempted by the Lieutenant Governor in Council by regulation;

except buildings used for residential purposes and land used in connection with those buildings.

(5) A regulation under subsection (4)(h) or any amendment to it is only effective if it is passed at least 3 months before the start of the calendar year in which it is to have effect and, once passed, it continues in effect until it is amended or repealed.

Property tax
bylaw

220(1) Each year a council must pass a property tax bylaw to raise the revenues referred to in section 223.

(2) A council must not amend a property tax bylaw on or after the date on which tax notices are sent under Division 8 of this Part.

Tax rates

221(1) The property tax bylaw must set a uniform tax rate for each class of property set out in section 4 of the *Property Assessment Act*.

(2) A tax rate set for any class of residential property must not be higher than the tax rate set for other classes of property.

(3) In a municipal district, county, improvement district or special area, the tax rate set for any class of residential property must not be less than 75% of the tax rate set for any other classes of property.

(4) To the extent that a tax rate does not comply with this section, it is of no effect.

Special
provisions of
property tax
bylaw

222 Despite anything in this Division, a property tax bylaw

- (a) may specify a minimum amount that is payable as a property tax for any property instead of the amount that would otherwise be payable under the bylaw,
- (b) may combine into one rate or separate into different rates the taxes payable under the bylaw by public school supporters, and
- (c) may combine into one rate or separate into different rates the taxes payable under the bylaw by separate school supporters.

Requisitions

223(1) Revenue raised by a property tax bylaw must be sufficient

- (a) to collect the estimated property tax revenue shown in the operating budget, and
- (b) to pay the actual or estimated
 - (i) requisitions of hospital districts under the *Hospitals Act*, ambulance districts under the *Ambulance Services Act* and school districts or school divisions under the *School Act*,

- (ii) requisitions of the Government of Alberta under the *School Act* and the amount payable to the Alberta Planning Fund under section 10 of the *Planning Act*, and
- (iii) other amounts that a municipality is liable to pay under this or any other enactment or an agreement.

(2) When a requisition applies to only part of a municipality, the revenue to be raised to meet the requisition may only be raised in that part of the municipality to which the requisition applies, subject to subsection (3).

(3) Despite subsection (2), even though the requisition applies to only part of a municipality, the council may authorize a uniform property tax rate on all land and improvements in the municipality that is sufficient to raise the revenue needed to pay the combined requisitions of all hospital districts and ambulance districts that requisition the municipality.

(4) Despite subsection (2), the property tax rate imposed on linear property must be uniform throughout the municipality.

(5) The Minister may make regulations governing the calculation of the rate referred to in subsection (4).

(6) In calculating the tax rate required to meet a requisition referred to in subsection (1), a municipality may include an allowance for

- (a) the costs associated with collecting the tax, and
- (b) non-collection of the tax.

(7) If in a previous calendar year the revenue raised by a property tax bylaw exceeded or was less than the amount needed to pay the requisitions and other amounts referred to in subsections (1)(b) and (6), the council must reduce or increase the requisitions or other amounts for the current year, as the case requires.

Calculation of
property tax

224 The property tax in respect of each taxable property is determined by calculating the product of

- (a) the tax rate for the taxable property as set by the property tax bylaw or, if there is more than one property class, the rate for each class, and

- (b) the assessment prepared for the taxable property under the *Property Assessment Act* or, if there is more than one property class, the part of the assessment that relates to each class.

Supplemen-
tary property
tax bylaw

225(1) If a council passes a bylaw authorizing a supplementary property assessment to be undertaken in any year, the council, by bylaw, must impose a supplementary property tax on improvements in the municipality.

(2) The supplementary property tax in respect of each taxable property is determined

(a) by calculating the product of

- (i) the tax rate for the taxable property as set by the property tax bylaw or, if there is more than one property class, the rate for each class,
- (ii) the supplementary assessment prepared for the taxable property under the *Property Assessment Act* or, if there is more than one property class, the part of the supplementary assessment that relates to each class, and
- (iii) the number of months the property has been occupied or in use,

and

(b) by dividing the product calculated under clause (a) by 12.

(3) The provisions in Division 8 of this Part respecting tax notices apply to supplementary property tax.

Person liable
to pay
property tax

226(1) The tax imposed under a property tax bylaw or supplementary property tax bylaw is payable by a person

- (a) who was the owner, purchaser, lessee, licensee or permittee of the property at the time it was assessed under the *Property Assessment Act*, or
- (b) who subsequently became the owner, purchaser, lessee, licensee or permittee of the property or any part of it,

and constitutes a special lien on that person's interest in the property unless the property is exempt from taxation.

(2) A lien referred to in subsection (1) has priority over every claim, privilege, lien or encumbrance of any person except the Crown and the lien and its priority are not lost or impaired by neglect, omission or error.

**Tax
agreement**

227(1) A council may make a tax agreement with an operator of a public utility or of linear property who occupies the municipality's property, including property under the direction, control and management of the municipality.

(2) Instead of paying the tax imposed under a property tax bylaw and any other fees or charges payable to the municipality, the tax agreement may provide for an annual payment to the municipality by the operator calculated as provided in the agreement.

(3) A tax agreement must provide that the municipality accepts payment of the amount calculated under the agreement instead of the taxes and other fees or charges specified in the agreement.

(4) If a tax agreement with the operator of a public utility which supplies fuel provides for the calculation of the payment as a percentage of the gross revenue of the public utility, that gross revenue is the aggregate of

$$gr + (qu.ns \times vpu)$$

where:

"gr" is the gross revenue of the public utility for the year;

"qu.ns" is the quantity of fuel in respect of which transportation service was provided during the year by means of the fuel distribution system of the provider of the public utility;

"vpu" is the deemed value per unit quantity of fuel determined by the Public Utilities Board for that year for the fuel in respect of which transportation service was so provided.

(5) An agreement under this section with an operator who is subject to regulation by the Public Utilities Board is of no effect unless it is approved by the Public Utilities Board.

Division 2 Business Tax

- | | |
|---|---|
| Application of
Division | 228 This Division applies to the assessment and taxation of businesses under a business tax bylaw. |
| Taxable
business | 229 All businesses operating in a municipality are liable to assessment and taxation under the business tax bylaw of the municipality unless the business is exempt under that bylaw or in accordance with this Division or another enactment. |
| Business tax
bylaw | 230(1) Before May 1, a council may pass a business tax bylaw.

(2) A business tax bylaw continues in effect from year to year until it is repealed or amended.

(3) A business tax bylaw may only be amended by a bylaw passed before May 1 in any year subsequent to the year in which the original business tax bylaw was passed. |
| Contents of
business tax
bylaw | 231(1) A business tax bylaw must

(a) specify one or more of the following methods of assessment as the method or methods that will be used to assess businesses in the municipality and that will form the base on which the business tax will be imposed:

(i) assessment based on gross annual rent paid by a business for its premises;

(ii) assessment based on floor space or storage capacity of the premises occupied for the purposes of the business;

(iii) assessment based on a percentage of the assessment prepared under the <i>Property Assessment Act</i> for the premises occupied for the purposes of the business;

(b) prescribe the rate per unit of storage capacity or per unit of floor space and the percentage rate of assessment for businesses not assessed on a rental basis;

(c) specify the times when a business assessment is to be calculated; |

- (d) establish a procedure for rebating a portion of the tax imposed under the bylaw if a business is carried on for less than 12 months in a year;
- (e) include any other matter the council considers necessary.

(2) A business tax bylaw may provide that when a tenant who is liable to taxation under the business tax bylaw in respect of any leased premises sublets the whole or part of the premises, the designated officer may assess the tenant or the sub-tenant in respect of the whole or part of the premises.

(3) A business tax bylaw may

- (a) establish classes of business for the purpose of grouping businesses;
- (b) specify the classes of business that are exempt from taxation under the bylaw.

(4) A business tax bylaw may require that business taxes be paid by instalments.

Business tax
rate bylaw

232 Each year a council must pass a business tax rate bylaw setting out a uniform business tax rate for each class of business established under the business tax bylaw.

Preparation of
business
assessment

233 Each year a designated officer must prepare a business assessment for each business in the municipality that is liable to taxation under this Division.

Person liable
to pay
business tax

234 The tax imposed under a business tax bylaw is payable by the person who was carrying on the business at the time it was assessed.

Business tax
roll

235(1) If a municipality imposes a business tax, it must establish and maintain a business tax roll as part of the tax roll referred to in section 288.

(2) A designated officer must enter the assessments for all businesses in the municipality on the business tax roll by the date specified in the business tax bylaw.

236(1) Subject to this section, property that is liable to taxation under a property tax bylaw may also be liable to taxation under a business tax bylaw.

(2) When machinery, equipment, appliances or other things located at premises occupied for the purposes of a business are used

- (a) for or in manufacturing or processing,
- (b) for the production of natural resources or for the transmission of natural resources, or
- (c) for transmitting or receiving communication signals for public resale

and are liable to taxation under a property tax bylaw in any year, the premises are exempt from taxation under the business tax bylaw in that year.

(3) If an activity described in subsection (2) is not the chief business carried on at the premises, a business tax may be imposed on that portion that is the chief business.

237(1) If a council passes a bylaw authorizing a supplementary business assessment to be undertaken in any year, the council of the municipality in which the business is carried on may impose, by bylaw, a supplementary business tax

- (a) on each person who carries on a business for a temporary period or commences business after the final revision of the business tax roll and whose name is not entered on that roll,
- (b) on each person who moves into new premises or opens new premises or branches of an existing business after the final revision of the business tax roll, although the person's name is entered on that roll, and
- (c) on each person who commences business before the final revision of the business tax roll and whose name is not entered on that roll.

(2) If a council passes a bylaw under subsection (1), it must prepare a supplementary business tax roll.

(3) A supplementary business tax roll must show

- (a) the same information that is required to be shown on the business tax roll, and
- (b) the date for determining any additional tax that may be imposed under the supplementary business tax bylaw.

(4) The provisions in Division 8 of this Part respecting tax notices apply to supplementary business tax.

Division 3 Special Tax

**Application of
Division**

238 This Division applies to the taxation of land and improvements under a special tax bylaw.

**Taxable
property**

239 All land or improvements, or both, in the area of a municipality described in a special tax bylaw are liable to taxation under the special tax bylaw of the municipality unless the land or improvements, or both, are exempt in accordance with this Division or another enactment.

**Special tax
bylaw**

240(1) A council may pass a special tax bylaw to raise revenue to pay for a specific service or purpose in a particular area of the municipality.

(2) A special tax bylaw applies only in the year in which it is passed unless the bylaw provides that it also applies in other years.

(3) A special tax bylaw must

- (a) state the specific service or purpose for which the bylaw is passed,
- (b) describe the area of the municipality that will benefit from the service or purpose and on which the special tax is to be imposed,
- (c) state the estimated cost of the service or purpose for the calendar year in which the bylaw is passed and for any subsequent year in which the bylaw applies,
- (d) state the unit of assessment or the per parcel of land, per unit of frontage or per unit of area basis on which the tax rate is to be based, and
- (e) describe the means by which the tax rate is to be set.

(4) A special tax bylaw must not be passed unless the estimated cost of the specific service or purpose for which the tax is imposed is included in the operating budget as an estimated expenditure.

Public hearing **241(1)** The council must conduct a public hearing on a proposed special tax bylaw.

(2) Notice of the public hearing must be mailed to the persons who would be liable to pay the special tax if it were imposed.

(3) The notice of the public hearing must

- (a) contain all of the information in the proposed special tax bylaw or a summary of it,
- (b) state the estimated annual tax payable by the person as a special tax, and
- (c) describe the procedure to be followed at the public hearing.

(4) The persons entitled to be heard at the public hearing are the persons to whom notice is given under subsection (2).

Use of revenue **242(1)** The revenue raised by a special tax bylaw must be applied to the specific service or purpose for which it was raised.

(2) If there is any excess revenue, the municipality must advertise the use to which it proposes to put the excess revenue.

Division 4 **Provincially Authorized Local Tax**

Application of Division **243** This Division applies to taxation that is authorized by a regulation made by the Lieutenant Governor in Council under section 244 or 245.

Authority to impose tax on specific property **244** On the request of the Minister, the Lieutenant Governor in Council may make regulations authorizing municipalities to impose taxes on either or both of the following:

- (a) mobile units as defined in the regulations;
- (b) well drilling equipment.

Authority to
impose tax on
any property

245(1) On the request of the Minister, the Lieutenant Governor in Council may make regulations

- (a) authorizing a municipality to impose a tax, and
- (b) stating the purpose for which revenue raised by the tax is to be used.

(2) A regulation made under this section ceases to have effect 5 years after it comes into force.

Consultation

246(1) Before making a request under section 244 or 245, the Minister must consult with the presidents of the relevant municipal associations about the request.

(2) A regulation under section 244 or 245 may relate to one or more municipalities or geographic areas of Alberta or to the whole Province.

(3) In this section, “relevant municipal association” means an association of municipalities whose members include a municipality that is affected by a regulation under section 244 or 245.

Minister's
regulations

247 If regulations are made by the Lieutenant Governor in Council under section 244 or 245, the Minister may make regulations

- (a) applying any of the provisions of the *Property Assessment Act* relating to valuation and assessment of property and any of the provisions of this Act relating to local taxation of property, with or without modification, for the purpose of imposing a tax under this Division;
- (b) respecting any matter incidental to the imposition and collection of a tax under this Division;
- (c) respecting the use to be made of excess revenue raised by a tax under this Division.

Division 5 Local Improvement Tax

Definition

248 In this Division, “local improvement” means a project, purchase, structure, work or other undertaking which, in the opinion of the council, is of greater benefit to the area in which it

is undertaken than it is to the whole municipality and is to be paid for in whole or in part by a local improvement tax.

Authority to
impose tax

249 This Division authorizes a council to impose a tax in a particular area in the municipality to pay for a local improvement.

Taxable
property

250 All land in a municipality is liable to taxation under a local improvement tax bylaw of the municipality unless the land is exempt in accordance with this Division or another enactment.

Proposal of a
local
improvement

251(1) A council may on its own initiative propose that it undertake a local improvement.

(2) A group of owners who would be liable to pay a local improvement tax if a local improvement were completed may petition the council to undertake the local improvement.

Petitioning
rules

252(1) The rules about petitions in sections 164 to 172 apply to petitions under section 251(2) except as they are modified by this section.

(2) A petition is a sufficient petition if

- (a) it is filed with the chief administrative officer,
- (b) it is signed by 2/3 of the owners who would be liable to pay a local improvement tax if the local improvement plan were implemented,
- (c) the owners who sign the petition represent at least ½ of the value of the assessments given under the *Property Assessment Act* to the parcels of land in respect of which the tax would be imposed, and
- (d) it meets the other requirements for petitions in sections 164 to 172.

(3) If a corporation, church, organization, estate or other entity is entitled to sign a petition under this section, the petition may be signed on its behalf by a person who

- (a) is at least 18 years old, and
- (b) produces on request a certificate authorizing the person to be its representative,

- (i) from the head office, or the principal office in Alberta, of a corporation,
- (ii) from the local governing body of a church or other organization,
- (iii) from the executor or administrator of the estate, or
- (iv) from a responsible person controlling or administering the entity.

Withdrawal of
petitioning
rights

253(1) If a municipality, school division, school district or hospital district is entitled to sign a petition under section 251(2), it may give notice to the council prior to or at the time the petition is presented to the council that its name and the assessment prepared for its land under the *Property Assessment Act* are not to be counted in determining the sufficiency of the petition, and the council must comply with the notice.

(2) A notice under subsection (1) does not exempt the municipality, school division, school district or hospital district from liability to pay a local improvement tax subsequently imposed on it.

Local
improvement
plan

254(1) If a council proposes to undertake a local improvement, the municipality must prepare a local improvement plan.

(2) If a group of owners petition a council to undertake a local improvement, they must prepare a local improvement plan unless the municipality agrees to prepare the local improvement plan on their behalf.

(3) A local improvement plan must be prepared before the public hearing is held under section 256.

Contents of a
local
improvement
plan

255(1) A local improvement plan must

- (a) contain a description of the nature and location of the proposed local improvement,
- (b) identify
 - (i) the parcels of land that would be subject to the local improvement tax,

- (ii) the owners who would be liable to pay the local improvement tax, and
 - (iii) the parcels of land that would be exempt from the local improvement tax,
 - (c) state the unit of assessment or the per parcel of land, per unit of frontage or per unit of area basis on which the tax rate is to be based,
 - (d) include an estimate of the cost of the local improvement,
 - (e) state the period over which the local improvement would be financed or paid,
 - (f) state the portion of the estimated cost of the local improvement proposed to be paid
 - (i) by the municipality, and
 - (ii) by the local improvement tax,
 - (g) include any other information the proponents of the local improvement consider necessary, and
 - (h) describe the public consultation process used during development of the plan.
- (2) The estimate of the cost of a local improvement may include
- (a) the actual cost of buying land necessary for the local improvement,
 - (b) the capital cost of the local improvement,
 - (c) the cost of professional services needed for the local improvement,
 - (d) the cost of repaying the existing debt on a facility that is to be replaced or rehabilitated, and
 - (e) other expenses incidental to the construction and completion of the local improvement and to the raising of money to pay for it.
- (3) If a municipality uses reserve or other funds to pay the cost of the local improvement, it may include under subsection (2) interest charges in the same manner as if the funds were borrowed under a debenture.

Adoption of a local improvement plan on council's initiative

256(1) The council must conduct a public hearing on a proposed local improvement plan.

(2) Notice of the public hearing must be mailed to the owners who would be liable to pay the local improvement tax if it were imposed.

(3) The notice of the public hearing must

- (a) include a copy of the proposed local improvement plan or a summary of it,
- (b) state the estimated annual tax payable by the owner as a local improvement tax, and
- (c) describe the procedure to be followed at the public hearing.

(4) The persons entitled to be heard at the public hearing are the persons to whom notice is given under subsection (2).

Approval or discontinuance of plan

257(1) After considering the representations made to it at the public hearing about the proposed local improvement plan and any other matters it considers necessary, the council may

- (a) approve the plan,
- (b) make any amendment it considers necessary to the plan and proceed to approve it, or
- (c) discontinue the plan.

(2) If the council discontinues the plan, it may reconsider the plan and vote on it again in a later calendar year.

Implementation of plan and tax

258(1) When a local improvement plan is approved under section 257(1), the council may implement the local improvement plan and impose a local improvement tax at any time within the following 3 calendar years after the plan is approved.

(2) After a local improvement plan is approved, there must be mailed to each of the owners who will be liable to pay the local improvement tax a notice that the plan is proceeding.

Local
improvement
tax bylaw

259(1) A council may pass a local improvement tax bylaw in respect of each local improvement plan.

(2) The local improvement tax bylaw must

- (a)** raise sufficient revenue for the municipality to pay for the cost or a portion of the cost of a local improvement in accordance with the local improvement plan over a period not exceeding the probable lifetime of the local improvement, and
- (b)** provide for equal payments during each year in that period.

(3) The local improvement tax bylaw must set a uniform tax rate for each unit of measurement of a parcel of land.

Calculation of
local
improvement
tax

260(1) The local improvement tax in respect of each parcel of land shown on the local improvement tax roll is determined by calculating the product of

- (a)** the tax rate per unit of measurement as set by the local improvement tax bylaw, and
- (b)** the number of units of measurement assigned to the parcel of land.

(2) The council, by bylaw, may fix a uniform tax rate based on estimated average costs throughout the municipality for any similar type of work undertaken as a local improvement and that rate applies whether the actual cost of any similar type of work was greater or less than the uniform rate.

(3) If some parcels of land in respect of which a local improvement tax is proposed appear to call for a smaller or larger proportionate share of the tax because they are corner lots or differently sized or shaped from other parcels, the exceptional parcels can be assigned the number of units of measurement the council considers appropriate to ensure that they will bear a fair portion of the local improvement tax.

Portion of
local
improvement
payable by
municipality

261(1) A council, by bylaw, may provide that the municipality pay that part of the cost of a local improvement which the council considers to be of benefit to the whole municipality.

(2) If financial assistance is provided to the municipality by the Crown in right of Canada or Alberta to undertake a local

improvement, the council must apply the assistance to the cost of the local improvement.

(3) The cost of a local improvement must be reduced by the amounts described in subsections (1) and (2) for purposes of calculating the revenue to be raised by the imposition of a local improvement tax.

Person liable to pay local improvement tax

262 The person liable to pay the tax under a local improvement tax bylaw is the owner of the parcel of land against which the tax is imposed.

Local improvement tax roll

263(1) If a municipality imposes a local improvement tax, it must establish and maintain a local improvement tax roll as part of the tax roll referred to in section 288.

(2) A record of each annual payment of a local improvement tax must be entered on the local improvement tax roll for the year in which it is payable.

Paying off a local improvement tax

264(1) The owner of the parcel of land on which a local improvement tax is imposed may pay the outstanding balance payable in respect of the parcel at any time.

(2) If the local improvement tax rate is subsequently reduced under section 267 or 268, the council must refund to the owner the appropriate portion of the tax paid.

Start-up of a local improvement

265(1) Construction of a local improvement may be started and the necessary bylaws passed and debentures issued before or after the actual cost of the local improvement has been determined.

(2) When a local improvement plan has been approved and construction of the local improvement

(a) has not been started, or

(b) has been started but is not complete,

the local improvement tax may be collected for one year, after which the tax must be suspended until the local improvement has been completed or is operational.

Land required
for local
improvement

266(1) If a local improvement requires buying land, a council may agree with the owner of the land that in consideration of

- (a) the dedication or gift to the municipality of the land required, or
- (b) a release of or reduction in the owner's claim for compensation for the land,

the remainder of the owner's land is exempt from all or part of the local improvement tax that would otherwise be imposed.

(2) The local improvement tax roll must be prepared in accordance with an agreement under this section despite anything to the contrary in this Act.

Variation of
local
improvement
tax bylaw

267(1) If, after a local improvement tax has been imposed, there is

- (a) a subdivision affecting a parcel of land, or
- (b) a consolidation of 2 or more parcels of land,

in respect of which a local improvement tax is payable, the council, with respect to future years, must revise the local improvement tax bylaw so that each of the new parcels of land bears an appropriate share of the local improvement tax.

(2) If, after a local improvement tax has been imposed,

- (a) there is a change in a plan of subdivision affecting an area which had not previously been subject to a local improvement tax, and
- (b) the council is of the opinion that as a result of the change the new parcels of land receive a benefit from the local improvement,

the council, with respect to future years, may revise the local improvement tax bylaw so that each benefitting parcel of land bears an appropriate share of the local improvement tax.

Variation of
local
improvement
tax rate

268(1) If, after a local improvement tax rate has been set, the council

- (a) receives financial assistance from the Crown in right of Canada or Alberta or from other sources that is

greater than the amount estimated when the local improvement tax rate was set, or

- (b) refinances the debt created to pay for the local improvement at an interest rate lower than the rate estimated when the local improvement tax rate was set,

the council, with respect to future years, may revise the rate so that each benefitting parcel of land bears an appropriate share of the actual cost of the local improvement.

(2) If, after a local improvement tax rate has been set, an alteration is necessary following an appeal under section 314 that is sufficient to reduce or increase the revenue raised by the local improvement tax bylaw in any calendar year by more than 5%, the council, with respect to future years, may revise the rate so that the local improvement tax bylaw will raise the revenue originally anticipated for those years.

Exemption
from local
improvement
tax

269(1) If a sanitary or storm sewer or a water main is constructed along a road or place in addition to or as a replacement of an existing facility

- (a) along which it would not have been constructed except to reach some other area of the municipality, or
- (b) in order to provide capacity for future development,

and the existing sanitary and storm sewers and water mains are sufficient for the existing development in the area, the council may exempt from taxation under the local improvement tax bylaw, to the extent the council considers fair, the parcels of land abutting the road or place.

(2) If a local improvement tax is being paid for a sanitary or storm sewer or water main that a newly constructed local improvement replaces,

- (a) the existing local improvement tax must be suspended and the outstanding balance may be added to the cost of the new local improvement, or
- (b) the parcels of land on which the existing local improvement tax is imposed must be exempted from the local improvement tax imposed for the new local improvement.

Limitation on
local
improvement
tax

270 A local improvement tax must not be imposed on a parcel of land in a calendar year for more than one sanitary sewer, one storm sewer and one water main.

Exempt land

271(1) Land that is exempt from taxation under a local improvement tax bylaw under this or another enactment must be included in calculations under this Division.

(2) Local improvement tax in respect of exempt land described in subsection (1) must be paid by the municipality, unless the owner of the land agrees to pay the tax.

Division 6 Business Revitalization Zones

Purpose

272 A business revitalization zone may be established for one or more of the following purposes:

- (a)** to improve, beautify and maintain public property in the zone;
- (b)** to acquire property in the zone and improve, beautify and maintain it;
- (c)** to acquire, improve and maintain property for parking purposes and subsequently dispose of the property at not less than its fair market value;
- (d)** to conduct any studies or prepare any designs that may be necessary for its purposes;
- (e)** to promote the zone as a business or shopping area.

Request

273(1) The process for establishing a business revitalization zone begins with a request signed by persons representing at least 10 businesses that would be liable to pay the business revitalization zone levy if a zone were established.

(2) The request must

- (a)** ask that a zone be established and describe its purposes, and
- (b)** describe the proposed boundaries of the zone.

(3) On receipt of a request, the council must mail or deliver to every business in the proposed zone that would be liable to pay the business revitalization zone levy a notice of its intention to pass a bylaw establishing the zone.

(4) Persons representing the businesses entitled to receive the notice may petition objecting to the bylaw.

(5) A petition under this section is sufficient if it is signed by persons representing at least 1/3 of the businesses entitled to receive the notice.

Bylaw process **274(1)** Not earlier than 60 days after giving the notice, the council may pass a bylaw establishing the business revitalization zone unless a sufficient petition is received objecting to it.

(2) If a sufficient petition is received, the council must not pass the bylaw and no further request may be made for the same zone to be established until at least 2 years after the date on which the council receives the petition.

Contents of bylaw **275(1)** A business revitalization zone bylaw must

- (a) designate a prescribed area as a business revitalization zone,
- (b) designate a name for the zone,
- (c) establish a board for the zone consisting of
 - (i) one or more councillors, and
 - (ii) such number of other persons as the bylaw provides,
- (d) describe the term of office of board members, the method for filling vacancies on the board and related matters, and
- (e) if a business tax bylaw has not been passed, authorize a business assessment in the zone to be used for the purposes of the business revitalization zone levy.

(2) Division 2 of this Part applies with all necessary modifications to the business revitalization zone business assessment and levy.

Board

276(1) The board established for a business revitalization zone is a corporation consisting of the members appointed by the council under the business revitalization zone bylaw.

(2) The council may remove a person appointed to the board and may appoint another person.

Capital projects

277(1) If a board in carrying out its purposes proposes to undertake a capital project and pay for it over more than one year, the council may pass a bylaw authorizing the municipality to

- (a)** lend the money to the board, or
- (b)** borrow the money on behalf of the board.

(2) Division 5 of this Part applies to the bylaw as if the capital project were a local improvement.

(3) The board may enter into an agreement with the municipality regarding the construction of the capital project and the subsequent maintenance and operation of it.

Budget

278(1) Each year at the time and in the form required by the council, the board must submit a proposed budget for the council's approval.

(2) The proposed budget must include

- (a)** as revenues, any estimated income from the board's own activities and from any other source and the amount to be raised under the business revitalization zone levy bylaw, in a total amount at least equal to the board's estimated expenditures, and
- (b)** as expenditures, the estimated costs of the board's activities for the year and the principal and interest payments falling due in the year in respect of any money borrowed under section 277.

(3) The council may contribute to the board

- (a)** money collected from the municipality at large which must not be used for promotion of the zone as a business or shopping area or for related studies, or
- (b)** money collected under an off-street parking levy imposed under the *Planning Act* which may only be used for the purposes described in section 272(c).

(4) The council must give notice to every business in the business revitalization zone of the proposed budget and the date and place of the council meeting at which the proposed budget will be considered and persons representing those businesses are entitled to be heard by council at the meeting.

(5) When the budget is approved, the council may direct the payment of all or part of the approved amount to the board.

Business
revitalization
zone levies

279(1) Each year the council must pass a business revitalization zone levy bylaw.

(2) The levies authorized under the bylaw must be sufficient to pay

- (a) the expenditures approved in the budget to cover the cost of the board's activities in the year, and
- (b) the principal and interest payments falling due in the year in respect of any money borrowed under section 277.

(3) The levies may be

- (a) at a uniform rate throughout the zone,
- (b) at different rates in different parts of the zone if the council considers that some activities of the board are of greater benefit to businesses in one or more parts of the zone than in other parts of it, or
- (c) a combination of the rates referred to in clauses (a) and (b).

(4) The bylaw may establish maximum and minimum amounts to be paid under it.

Financial
restrictions

280(1) A board must not incur indebtedness extending beyond the current fiscal year of the board without the approval of the council.

(2) A board may expend only money included in the approved budget and any member of the board who authorizes the expenditure of money not included in the approved budget is guilty of an offence.

(3) A board must provide for its financial and other records to be maintained and for payments to be received and made on its behalf.

Annual report **281(1)** Each year at the time specified by the council, the board must submit an annual report to the council including an audited financial statement.

(2) All records of the board are open to inspection by the auditor of the municipality.

Changing the zone **282(1)** A council, by bylaw, may amend the boundaries of a business revitalization zone.

(2) The provisions of section 273 respecting notice and petitions apply to any business proposed to be added to or removed from the zone.

(3) A bylaw under this section comes into force on the following January 1.

Terminating the zone **283(1)** A council, by bylaw, may repeal a business revitalization zone bylaw.

(2) The council must mail or deliver to every business in the zone a notice of its intention to pass a bylaw repealing the zone.

(3) Section 273(4) does not apply to those businesses.

(4) If a bylaw is passed under this section, the board ceases to exist and its undertakings, assets and liabilities are assumed by the municipality.

(5) A bylaw under this section comes into force on December 31 in the year in which it is passed.

Division 7

Petitions for Public Works in a Hamlet

Definition **284** In this Division, “public works” means anything that is for a municipal purpose.

Petition for public works **285(1)** The owners of land in a hamlet who reside in the hamlet may petition the council of the municipal district in which the hamlet is located to spend at least 50% of the taxes collected for municipal purposes in the hamlet under the property tax bylaw by the municipal district in the preceding calendar year on public works in the hamlet.

(2) A petition is sufficient if

- (a) it is filed with the chief administrative officer of the municipal district before March 1 in a calendar year,
- (b) it is signed by a majority of the owners residing in the hamlet, and
- (c) it meets the other requirements for petitions in sections 164 to 172.

(3) On receipt of a sufficient petition, the municipal district must comply with the petition in that year unless the municipal district has made an agreement under section 286.

(4) If a petition described in subsection (1) is received after March 1 in a calendar year, but is otherwise sufficient, the council must comply with the petition in that year or in the next calendar year unless the municipal district has made an agreement under section 292.

Agreement to
delay public
work

286(1) On receipt of a sufficient petition under this Division, a municipal district may make an agreement with the representatives of the petitioners

- (a) that the petition will apply for more than one year, and
- (b) to postpone making an expenditure until sufficient taxes have been collected to undertake the public work desired by the petitioners.

(2) The taxes collected must be used for the purpose described in the agreement unless otherwise agreed by the petitioners.

Hamlet
advisory
boards

287(1) The council of a municipal district may establish a hamlet advisory board for a hamlet and provide for the election of members to the board under the *Local Authorities Election Act* as modified by the Minister for that purpose.

(2) A hamlet advisory board must

- (a) advise the council on the affairs of the hamlet, and
- (b) carry out any function relating to the hamlet requested by the council.

Division 8

General Provisions Relating to Local Taxes

Tax roll	<p>288 Each municipality must prepare a tax roll that shows, for each taxable property, the following:</p> <ul style="list-style-type: none">(a) the name of each local tax being imposed;(b) the property that is being taxed;(c) the amount of each local tax being imposed;(d) the name and mailing address of the person liable to pay the local taxes;(e) the amount of local taxes owing to the municipality;(f) any other information the council directs.
Entry of date on tax roll	<p>289(1) A designated officer must certify the date the tax notices are sent under section 295 and the date each amended tax notice is sent under section 300.</p> <p>(2) The certification of the dates referred to in subsection (1) is evidence of the imposition of the local tax.</p> <p>(3) Neither the appointment nor the authority of the designated officer to complete the certificate needs to be proved.</p> <p>(4) The certificate must specify the name of any person whose address is not known and the tax notice is deemed to have been sent to that person on the date set out in the certificate.</p>
Form of tax roll	<p>290 The tax roll may be in any form, including a form that can be stored</p> <ul style="list-style-type: none">(a) on microfilm,(b) in electronic, mechanical or magnetic storage, or(c) in electronic data transmission signals.
Inspection of rolls	<p>291 The tax roll must be open for inspection by the public during regular business hours.</p>

Severability	292 The fact that one or more entries on the tax roll are wrong does not invalidate other entries on the roll or the roll itself.
Obligation to pay tax	293 Every person shown on the tax roll as liable to pay a local tax must pay the tax and any penalties or costs payable in respect of the tax, regardless of the nature or amount of the person's interest in the taxable property or business.
Instalments	<p>294(1) A council, by bylaw, may permit local taxes to be paid, at the option of the person liable to pay the tax, by instalments.</p> <p>(2) A person who wishes to pay local taxes by instalments must make an agreement with the council authorizing the taxes to be paid by instalments.</p> <p>(3) When an agreement under subsection (2) is made, the tax notice, or a separate notice enclosed with the tax notice, must state</p> <ul style="list-style-type: none"> (a) the amount and due dates of the instalments to be paid in the remainder of the year, and (b) what happens if an instalment is not paid.
Sending tax notices	<p>295(1) A municipality must send to the person liable to pay a local tax only one tax notice during the year with respect to each taxable property or business.</p> <p>(2) A tax notice is sufficiently sent if it is</p> <ul style="list-style-type: none"> (a) mailed by ordinary mail to the last address shown for that person on the tax roll of the municipality, (b) personally delivered to that person, or (c) sent to that person by any electronic means. <p>(3) A tax notice need not be sent to a purchaser of a taxable property or business unless the municipality receives notice in writing requesting it.</p>
Tax notices	<p>296(1) A tax notice must show, for each taxable property or business, the following:</p> <ul style="list-style-type: none"> (a) the name and address of the person liable to pay the local tax, where applicable;

- (b) the school jurisdiction in which the person liable to pay the local tax is resident;
- (c) the same information that is required to be shown on the tax roll;
- (d) the date on which a penalty may be imposed if a local tax is not paid;
- (e) where local taxes may be paid;
- (f) any other information the council directs.

(2) A tax notice may include a number of taxable properties or businesses in respect of which a local tax is payable by the same person.

(3) A council may authorize not more than 4 tax notices to be provided as follows:

- (a) one notice relating to the local taxes imposed as a result of one or more of the requisitions made on the municipality for health, education and other services by other bodies;
- (b) one notice relating to all other local taxes except business tax and business revitalization zone levies;
- (c) one notice relating to business tax;
- (d) one notice relating to business revitalization zone levies.

(4) A reference in this Division to a “tax notice” is to be read as a reference to any one or more of the tax notices referred to in subsection (3).

Interim
property tax
bylaw

297(1) If a council adopts an interim budget, the council may pass an interim property tax bylaw and may authorize a designated officer to issue interim tax notices.

(2) The provisions of Division 1 of this Part related to property tax bylaws apply to an interim property tax bylaw.

(3) The provisions of this Division related to tax notices apply to interim property tax.

Correction of
tax notice

298 An error, omission or misdescription on a tax notice or the non-receipt of a tax notice

- (a) by the person to whom it is addressed, or
- (b) by a person named on the tax roll whose address is not known

does not invalidate the tax or affect the liability of the property or business to taxation.

Correction of
tax roll

299(1) If at any time it is discovered

- (a) that any property or business that was liable to taxation under this Part on the immediately preceding December 31 has not been taxed,
- (b) that the name of a person that should be entered on the tax roll is not entered,
- (c) that there is an error in any of the information contained on the tax roll, or
- (d) the amount of local tax payable is changed as a result of the hearing of a complaint or an appeal under the *Property Assessment Act*,

the council may direct a designated officer to tax the property or business, enter the tax on the tax roll, enter the person's name on the tax roll or correct the error.

(2) The date of every entry on the tax roll directed under subsection (1) must be certified under section 289.

Amended tax
notice

300 If a tax notice or the tax roll is corrected under section 299, the municipality must immediately send to the person liable to pay the tax an amended tax notice.

Date taxes
imposed

301 All local taxes, except supplementary property tax and supplementary business tax,

- (a) are deemed to have been imposed on January 1, and
- (b) are payable on and after January 1 of the calendar year in which they are imposed,

unless the bylaw under which they are imposed establishes another due date.

Penalty for
unpaid current
taxes

302(1) A council, by bylaw, for the calendar year in which a local tax is imposed,

- (a) may impose a penalty for the non-payment of the local tax by the due date in an amount not exceeding the percentage prescribed by the Minister by order, and
- (b) may impose a penalty on a sliding scale.

(2) A penalty under this section may not be imposed earlier than 30 days after the tax notice has been sent under section 295.

Penalty for
arrears of
taxes

303(1) Local taxes are in arrears when they remain unpaid after December 31 of the year in which they are imposed unless otherwise provided in an agreement under section 294(2).

(2) A council, by bylaw, may impose penalties on arrears of local taxes in an amount not exceeding the percentage prescribed by the Minister by order.

(3) A penalty may be imposed in each calendar year in which local taxes are in arrears.

(4) A penalty under this section may be imposed on January 1 or any later date or dates specified in the bylaw.

Authority of a
council

304(1) A council may, generally or with respect to a particular property or business or a class of property or business, do one or more of the following:

- (a) reduce arrears of a local tax, with or without conditions;
- (b) cancel arrears of a local tax that cannot be collected;
- (c) cancel or refund all or part of a local tax when the council considers it equitable to do so;
- (d) defer the collection of a local tax;
- (e) phase in a local tax increase resulting from a general assessment over a period not exceeding 3 years.

(2) Except for subsection (1)(d), this section does not apply to a tax imposed under a local improvement tax bylaw.

Penalty
becomes a tax

305 A penalty imposed under section 302 or 303 becomes part of the local tax in respect of which it is imposed as soon as it is imposed.

Effect of
bylaws

306 A bylaw passed under this Division must not be construed to extend the time for payment of local taxes or in any way to impair any remedy provided by any enactment for the collection of taxes.

Prepayment
incentives

307 A council, by bylaw, may provide incentives for early payment of local taxes.

Receipt for
payment of
taxes

308 When local taxes are paid to a municipality, a receipt must be given for them in a manner approved by the council.

Application of
tax payment

309(1) If local taxes are in arrears, a payment in respect of local taxes must be applied first in payment of the arrears.

(2) If a person does not indicate to which taxable property a payment of local taxes is to be applied, a designated officer must decide to which taxable property owned by the person paying the taxes the payment is to be applied.

Fire insurance
proceeds

310(1) Local taxes due in respect of improvements are a first charge on any money payable under a fire insurance policy for loss or damage to those improvements.

(2) A business tax that is due is a first charge on any money payable under a fire insurance policy for loss or damage to any personal property

(a) that is located on the premises occupied for the purposes of the business, and

(b) that is used in connection with the business and belongs to the person who is liable to pay the business tax.

(3) This section does not create a charge on any money payable under a fire insurance policy

- (a) unless the money payable for loss or damage to improvements or personal property is \$1000 or more,
- (b) notwithstanding clause (a), unless the money payable is for a total loss of the property insured, or
- (c) that was effected and maintained for the person's own protection by a mortgagee of the insured property.

(4) As soon as possible after an insurer receives notice of loss or damage under a fire insurance policy, the insurer must give notice, by registered mail, to the chief administrative officer of the municipality in which the property is situated of the loss or damage.

(5) Within 15 days of the mailing of the notice in accordance with subsection (4), the chief administrative officer must notify, by registered mail, the insurer of the full amount of the local taxes due in respect of the improvements and any business carried on on the premises.

(6) When a charge arises under this section and a notice is mailed in accordance with subsection (5), the insurer must pay to the municipality the lesser of

- (a) the amount of the local taxes stated to be due to the municipality in the notice, and
- (b) the amount the insurer is liable to pay under the policy.

(7) When payment is made under subsection (6), the amount for which the insurer is liable under the policy is reduced by the amount of the payment.

Tax becomes
debt to
municipality

311(1) Local taxes, penalties and costs due in respect of taxable property or taxable businesses are recoverable as a debt due to the municipality.

(2) A payment by a person to a municipality under subsection (1) does not affect any right of recourse that person may have against any other person who

- (a) was the owner, purchaser, lessee, licensee or permittee of the property at the time of its assessment, or

- (b) subsequently becomes the owner, purchaser, lessee, licensee or permittee of the whole or any part of the property.

Interest on
refund

312 When a municipality refunds all or part of a local tax as a result of the correction of an error on the tax roll or the hearing of a complaint or an appeal under the *Property Assessment Act*, the municipality must pay interest, at the rate prescribed by the Minister by order, from the date of receipt of payment of the tax.

Tax
certificates

313(1) On request, a designated officer must issue a tax certificate showing

- (a) the amount of local taxes imposed in the calendar year in respect of the specified property and the amount of local taxes owing, and
- (b) if local taxes are in arrears for one or more calendar years, the amount of arrears attributable to each year.

(2) A request for a certificate under subsection (1) must be made in a manner described by the council.

Appeals

314(1) A person who is liable to pay a business tax, special tax or provincially authorized local tax may file a complaint about

- (a) the assessment of the property or business on which the tax is based, or
- (b) the number of units of measurement assigned to the property or business on which the tax is based,

in the same manner as a complaint may be filed about an assessment under the *Property Assessment Act*.

(2) A person who is liable to pay a local improvement tax may file a complaint about the number of units of measurement assigned to the property in the same manner as a complaint may be filed about an assessment under the *Property Assessment Act*.

(3) A complaint under subsection (2) may be filed

- (a) only once, and
- (b) only in the year in which the local improvement tax is imposed.

(4) Parts 5 and 6 of the *Property Assessment Act* apply to a complaint filed under this section.

PART 9

LIABILITY OF MUNICIPALITIES, ENFORCEMENT OF MUNICIPAL LAW AND OTHER LEGAL MATTERS

Division 1

Legal Liability of Municipalities

Non-
negligence
actions

315 A municipality is not liable in an action based on nuisance, or on any other tort that does not require a finding of intention or negligence, if the damage arises, directly or indirectly, from roads or from the operation or non-operation of

- (a) a public utility,
- (b) a drainage facility or system, or
- (c) a dike, ditch or dam.

Exercise of
discretion

316 A municipality that has the discretion to do something is not liable for not doing that thing or deciding not to do that thing.

Inspections
and
maintenance

317(1) A municipality is not liable for damage caused by

- (a) a system of inspection, or the manner in which inspections are to be performed or the frequency, infrequency or absence of inspections, and
- (b) a system of maintenance, or the manner in which maintenance is to be performed, or the frequency, infrequency or absence of maintenance.

(2) No municipality may use the exemption from liability under this section as a defence in an action under section 318 or 319.

Snow on
roads

318(1) A municipality is only liable for an injury to a person or damage to property caused by snow, ice or slush on roads in the municipality if the municipality is grossly negligent.

(2) A person who brings an action claiming gross negligence described in subsection (1) must notify the municipality of the

event that gives rise to the action within 21 days of the occurrence of the event.

(3) Failure to notify the municipality bars the action unless

- (a) there is a reasonable excuse for the lack of notice, and the municipality is not prejudiced by the lack of notice,
- (b) death is the result of the event complained of, or
- (c) the municipality waives the requirement for notice.

Repair of
roads, public
places and
public works

319(1) Every road or other public place that is subject to the direction, control and management of the municipality, including all sewers, culverts, sidewalks and other works made to or done on the roads or public place by the municipality or by any other person with the permission of the municipality, must be kept in a reasonable state of repair by the municipality, having regard to

- (a) the character of the road, public place or public work, and
- (b) the area of the municipality in which it is located.

(2) The municipality is liable for damage caused by the municipality failing to perform its duty under subsection (1).

(3) This section does not apply to any road or other work made or laid out by a private person until the road or other work is subject to the direction, control and management of the municipality.

(4) A municipality is not liable under this section unless the claimant has suffered by reason of the default of the municipality a particular loss or damage beyond what is suffered by the claimant in common with all other persons affected by the state of repair.

(5) Nothing in this section imposes on the municipality any duty or liability in respect of act done or omitted to be done by persons exercising powers or authorities conferred on them by law, and over which the municipality has no control, if the municipality is not a party to those acts or omissions.

(6) A municipality is not liable under this section if the municipality proves that it did not have actual or constructive notice of the state of repair.

(7) When a traffic control device has been defaced, removed or destroyed by someone other than a designated officer or employee or agent of the municipality, the municipality is not liable under this section in any action without proof by the plaintiff that the municipality

- (a) had actual notice of the defacement, removal or destruction, and
- (b) failed to restore, repair or replace the traffic control device in a reasonable period of time.

(8) A person who brings an action under this section must notify the municipality of the event that gives rise to the action within 30 days of the occurrence of the event.

(9) Failure to notify the municipality bars the action unless

- (a) there is a reasonable excuse for the lack of notice and the municipality is not prejudiced by the lack of notice,
- (b) death is the result of the event complained of, or
- (c) the municipality waives the requirement for notice.

Things on or
adjacent to
roads

320 A municipality is not liable for damage caused

- (a) by the presence, absence or type of any wall, fence, guardrail, railing, curb, pavement markings, traffic control device, illumination device or barrier adjacent to or in, along or on a road, or
- (b) by or on account of any construction, obstruction or erection or any situation, arrangement or disposition of any earth, rock, tree or other material or thing adjacent to or in, along or on a road that is not on the travelled portion of the road.

Public works
affecting
adjacent land

321(1) A person having an interest in land that is adjacent to land upon which a municipality has constructed or erected a public work or structure is entitled to compensation from the municipality for loss of or the permanent lessening of use of that person's land caused by the public work or structure.

(2) As soon as possible after the construction or erection of the public work or structure is completed, the municipality must publish a notice in a newspaper circulated in the municipality that

- (a) identifies the public work or structure,
- (b) gives the date of completion,
- (c) states that claims for compensation under this section must be received within 60 days after the completion date, and
- (d) specifies the last day that claims may be filed.

(3) A person is entitled to compensation under this section only if the person files with the municipality a claim within 60 days after notice of the completion of the public work or structure has been published in the newspaper.

(4) The claim must state the amount claimed and the particulars of the claim.

(5) The amount payable as compensation under this section may not exceed the amount of the difference between

- (a) the appraised value of the claimant's land prior to the construction or erection of the public work or structure, and
- (b) the appraised value of the claimant's land after the construction or erection of the public work or structure,

together with an amount of not more than 10% of the amount of the difference.

(6) If the municipality and claimant are not able to agree on the amount of compensation, the amount of the compensation must be determined by the Land Compensation Board.

(7) No compensation is payable for the loss of or the permanent lessening of use of land caused by

- (a) the construction of boulevards or placement of dividers down the centre of a road for the purpose of channelling traffic, or
- (b) the restriction of traffic to one direction only on any road.

(8) No action or claim based on the loss of or a permanent lessening of use of land because of the construction or erection of a public work or structure by a municipality may be made except under this section.

Option to
remove cause
of loss

322 If a municipality is held to be liable in an action to pay damages for future loss, the court must give the municipality the choice between paying damages for future loss or removing the cause of the loss.

Judgments

323 Unless otherwise agreed between a plaintiff and a defendant municipality, if a plaintiff is entitled to damages for personal injuries in excess of \$250 000, a judgment against a municipality must award those damages in the form of a structured settlement.

Recovery of
legal costs

324 Even though the remuneration of a municipal solicitor is paid fully or partly by salary, the municipality is entitled to costs in civil proceedings to which the municipality is a party.

Division 2 Liability of Councillors and Municipal Officers

Definitions

325 In this Division,

(a) “municipal officer” means

(i) the chief administrative officer and designated officers, and

(ii) employees of the municipality;

(b) “volunteer worker” means a volunteer member of a fire or ambulance service or emergency measures organization established by a municipality, or any other volunteer performing duties under the direction of a municipality.

Protection
from liability

326(1) Councillors, council committee members, municipal officers and volunteer workers are not liable for loss or damage caused by anything said or done or omitted to be done in the performance or intended performance of their functions, duties or powers.

(2) Subsection (1) is not a defence if

(a) the cause of action is defamation, or

(b) the person was dishonest, grossly negligent or guilty of wilful misconduct.

(3) This section does not affect the legal liability of the municipality.

Division 3 Inquiries

Inquiry

327(1) The Minister may, by order, appoint one or more persons to conduct an inquiry into a matter described in subsection (2) if,

- (a) in the case of a municipality with a population of less than 10 000, electors equal in number to at least 20% of the population petition the Minister,
- (b) in the case of a municipality with a population of 10 000 or more, electors equal in number to at least the greater of 2000 or 10% of the population petition the Minister, or
- (c) a council requests the Minister.

(2) An inquiry may relate to

- (a) the affairs of the municipality,
- (b) the conduct of a councillor, or an employee or agent of the municipality, or
- (c) the conduct of a person having an agreement with the municipality relating to the duties or obligations of the municipality or person under the agreement.

(3) The person or persons appointed to conduct an inquiry must report to the Minister and the council and to the representative of the petitioners if there was a petition under subsection (1)(a) or (b).

(4) The person or persons appointed to conduct an inquiry have all the powers and duties of a commissioner appointed under the *Public Inquiries Act*.

(5) The persons appointed to conduct an inquiry must be paid the fees and expenses ordered by the Minister and the Minister shall direct who is to pay the fees and expenses of the inquiry.

Division 4

Challenging Bylaws and Resolutions

Application to
the Court of
Queen's
Bench

328(1) A person may apply by originating notice to the Court of Queen's Bench for

- (a) a declaration that a bylaw or resolution is invalid, or
- (b) an order requiring a council to amend or repeal a bylaw as a result of a vote by the electors on the amendment or repeal.

(2) A judge may require an applicant to provide security for costs in an amount and manner established by the judge.

Form and
procedure

329 A person who wishes to have a bylaw or resolution declared invalid on the basis that

- (a) the proceedings prior to the passing of the bylaw or resolution, or
- (b) the manner of passing the bylaw or resolution

does not comply with this or any other enactment must make an application within 60 days after the bylaw receives third reading or after the resolution is passed.

Validity
involving
plebiscites

330 Despite section 329, a person may apply at any time

- (a) for a declaration that a bylaw is invalid if
 - (i) the bylaw is required to be put to a vote of electors and the vote has not been conducted or if the bylaw was not given the required approval in such a vote,
 - (ii) the bylaw is required to be advertised and it was not advertised, or
 - (iii) a public hearing is required to be held in respect of the bylaw and the public hearing was not held,

or

- (b) for an order requiring a council to amend or repeal a bylaw as a result of a vote by the electors.

General
grounds of
challenge

331 No bylaw or resolution may be challenged on the ground that it is unreasonable or not in the public interest.

Effect of
councillor
being
disqualified

332 No bylaw, resolution or proceeding of a council and no resolution or proceeding of a council committee may be challenged on the ground that

- (a) a person sitting or voting as a councillor
 - (i) is not qualified to be on council,
 - (ii) was not qualified when the person was elected, or
 - (iii) after the election, ceased to be qualified or became disqualified,
- (b) the election of a whole council is invalid,
- (c) the election of one or more councillors is invalid,
- (d) a councillor has resigned because of disqualification,
- (e) a person has been declared disqualified from being a councillor,
- (f) a councillor did not take the oath of office,
- (g) a person sitting or voting as a member of a council committee
 - (i) is not qualified to be on the committee,
 - (ii) was not qualified when the person was appointed, or
 - (iii) after being appointed, ceased to be qualified, or became disqualified,

or

- (h) there was a defect in the appointment of a councillor or other person to a council committee.

Division 5

Enforcement of Municipal Law

**Municipal
inspections
and
enforcement**

333(1) If this or any other enactment or a bylaw authorizes or requires anything to be inspected, remedied, enforced or done by a municipality, a person authorized by a council may, after giving reasonable notice to the owner or occupier of land, a building, structure or thing that must be entered to carry out the inspection, remedy, enforcement or action,

- (a) enter such land, building, structure or thing, at any reasonable time, and carry out the inspection, enforcement or action authorized or required by the enactment or bylaw,
- (b) request anything to be produced to assist in the inspection, remedy, enforcement or action, and
- (c) make copies of anything related to the inspection, remedy, enforcement or action.

(2) The person authorized must display or produce on request identification showing that the person is authorized to make the entry.

(3) In an emergency or in extraordinary circumstances the person authorized need not give reasonable notice or enter at a reasonable hour.

(4) Nothing in this section authorizes the municipality to remedy the contravention of an enactment or bylaw.

**Court
authorized
inspections
and
enforcement**

334(1) If a person

- (a) refuses to allow or interferes with the entry, inspection, enforcement or action referred to in section 333, or
- (b) refuses to produce anything to assist in the inspection, remedy, enforcement or action referred to in section 333,

the municipality may apply to the Court of Queen's Bench, by way of originating notice, for an order under subsection (2).

(2) The court may make an order

- (a) restraining a person from preventing or interfering with the entry, inspection, enforcement or action, or

- (b) requiring the production of anything to assist in the inspection, remedy, enforcement or action.

(3) A copy of the originating notice and a copy of each affidavit in support must be served at least 3 days before the day named in the notice for hearing the application.

(4) In an emergency or in extraordinary circumstances, the court may hear the application without notice to any person.

Order to
remedy
contra-
ventions

335(1) If a municipality finds that a person is not complying with this or any other enactment that the municipality is authorized to enforce or a bylaw, the municipality may, by written order, require the person responsible for the contravention to remedy it if the circumstances so require.

(2) The order may

- (a) direct a person to stop doing something, or to change the way in which the person is doing it;
- (b) direct a person to take any action or measures necessary to remedy the contravention of the enactment or bylaw and, if necessary, to prevent a re-occurrence of the contravention;
- (c) state a time within which the person must comply with the directions;
- (d) state that if the person does not comply with the directions within a specified time, the municipality will take the action or measure at the expense of the person.

Appeal to
council

336(1) A person who receives a written order under section 335 may appeal to council by written notice within 14 days of the date the order is received, or such longer period as a bylaw specifies.

(2) After hearing the appeal against the written order, the council may confirm, vary, substitute or cancel the order made by the municipality.

Appeal to
Court of
Queen's
Bench

337(1) A person affected by the decision of a council under section 336 may appeal to the Court of Queen's Bench within 30 days of the date the decision is served on the person if

- (a) the procedure required to be followed by this Act is not followed, or
- (b) the order is patently unreasonable.

(2) The application for the appeal must state the reasons for the appeal.

(3) The Court may

- (a) confirm, vary, substitute or cancel the decision, or
- (b) send the matter back to the council with directions.

Action or
measure by
municipality

338(1) A municipality may take whatever action or measures are necessary to remedy a contravention of this Act, an enactment that the municipality is authorized to enforce or a bylaw or to prevent a re-occurrence of the contravention if

- (a) the municipality has given a written order under section 335,
- (b) the order contains a statement referred to in section 335(2)(d),
- (c) the person to whom the order is directed has not complied with the order within the time specified in the order, and
- (d) the appeal periods respecting the order have passed or, if an appeal has been made, the appeal has been decided.

(2) Despite subsection (1), in an emergency or in extraordinary circumstances, a municipality may take whatever action or measures are necessary to remedy a contravention of this Act, an enactment that the municipality is authorized to enforce or a bylaw.

(3) The expenses and costs of an action or measure taken by a municipality under this section are a debt owing by the person who contravened the enactment or bylaw.

Recovery of
amounts
owing by civil
action

339 Except as provided in this or any other enactment an amount owing to a municipality may be collected by civil action for debt in a court of competent jurisdiction.

Lien on land

340(1) Except as provided in this or any other enactment, a council may add an amount owing to the municipality by the owner of land to the tax roll for that land.

(2) When the amount is added to the tax roll, the amount

- (a) forms a lien against the land in favour of the municipality from the date it was added to the tax roll,
- (b) is deemed for all purposes to be local taxes from the date it was added to the tax roll, and
- (c) Part 8 and the *Tax Recovery Act* apply to the enforcement, collection and recovery of the amount.

Lien on
personal
property

341(1) The definitions in section 1 of the *Personal Property Security Act* apply to this section.

(2) Except as provided in this or any other enactment, an amount owing to the municipality by a person is a lien on the person's personal property and may be collected, in accordance with the *Seizures Act*, by distress and sale of the person's personal property.

(3) A municipality may, in respect of a lien created by subsection (2), register a financing statement in the Personal Property Registry under the *Personal Property Security Act*.

(4) For the purpose of determining the priority of the lien created under subsection (2) on a person's personal property, the lien is deemed to be a security interest in the personal property.

Injunction

342(1) When

- (a) a building or structure is being constructed in contravention of an enactment that a municipality is authorized to enforce or a bylaw,
- (b) a contravention of this Act, another enactment that a municipality is authorized to enforce or a contravention of a bylaw is of a continuing nature, or
- (c) any person is carrying on business or is doing any act, matter or thing without having paid money required to be paid by a bylaw,

in addition to any other remedy and penalty imposed by this or any other enactment or a bylaw, the municipality may apply by way of originating notice to the Court of Queen's Bench for an injunction or other order.

(2) The Court may grant or refuse the injunction or other order or may make any other order that in its opinion the justice of the case requires.

Bylaw
enforcement
officers

343(1) An employee of a municipality who is appointed as a bylaw enforcement officer is, in the execution of enforcement duties, a person employed for the preservation and maintenance of the public peace.

(2) Bylaw enforcement officers must take the official oath prescribed by the *Oaths of Office Act* before starting their duties.

Powers and
duties of
bylaw
enforcement
officers

344 Every council must by bylaw

- (a) specify the powers and duties of bylaw enforcement officers, and
- (b) establish disciplinary procedures for misuse of power, including penalties and an appeal process applicable to misuse of power by bylaw enforcement officers.

Division 6

Offences and Penalties

General
offences

345 A person who contravenes

- (a) a provision of this Act,
- (b) a direction of the Minister, or
- (c) an order under section 335,

is guilty of an offence.

Offences
applicable to
officials

346 No chief administrative officer or designated officer may

- (a) fail to discharge the duties of office imposed by this or any other enactment or bylaw,

- (b) sign any statement, report or return required by this or any other enactment or bylaw knowing that it contains a false statement, or
- (c) fail to hand over to a successor in office, or to the persons designated in writing by the council or the Minister, all money, books, papers and other property of a municipality.

Unauthorized
use of heraldic
emblems

347 No person may use the heraldic emblem of the municipality or anything that is apparently intended to resemble the heraldic emblem without the authority of council.

Documents
used to
enforce
bylaws

348(1) No person may use a document that a municipality uses to enforce its bylaws unless the person has the authority to enforce those bylaws.

(2) No person may use a document that resembles or is apparently intended to resemble a document that a municipality uses to enforce its bylaws.

(3) Subsection (2) does not apply to a person using a document of a municipality.

Obstructing
construction of
public work or
utilities

349 No person may interfere with the construction, maintenance, operation or repair of a public work or public utility.

Operating a
business
without a
licence

350 In a prosecution for contravention of a bylaw against engaging in or operating a business without a licence, proof of one transaction in the business is sufficient to establish that a person is engaged in or operates the business.

Prosecutions

351 A prosecution under this Act or a bylaw may be commenced within 2 years after the date of the alleged offence, but not afterwards.

Penalty

352 A person who is found guilty of an offence under this Act is liable to a fine of not more than \$10 000 or to imprisonment for not more than one year, or to both fine and imprisonment.

Order for
compliance

353 If a person is found guilty of an offence under this Act or a bylaw, the court may, in addition to any other penalty imposed, order the person to comply with this Act or bylaw or a licence, permit or other authorization issued under the bylaw, or a condition of any of them.

Fines and
penalties

354 Fines and penalties imposed on a conviction for an offence under this Act or a bylaw are an amount owing to the municipality in which the offence occurred.

Civil liability
not affected

355 A person who is guilty of an offence under this Act may also be liable in a civil proceeding.

PART 10

MISCELLANEOUS

Division 1

Regulations and Directives

Regulations

356(1) The Lieutenant Governor in Council may make regulations for any matter not provided for or insufficiently provided for in this Act but any regulation so made ceases to have any effect after the last day of the next session of the Legislature.

(2) The Lieutenant Governor in Council may make regulations

- (a) defining rural gas consumers for the purposes of section 213(2)(c)(iii);
- (b) exempting land or improvements, or both, or a class of land or improvements for the purposes of section 219(4)(h);
- (c) defining mobile units for the purposes of section 244(a).

(3) The Minister may make regulations

- (a) prescribing supplementary standards for annual financial statements of municipalities and modifications to generally accepted accounting principles of municipalities;
- (b) prescribing forms for the purposes of this Act;
- (c) respecting limits on grants given by municipalities;

- (d) respecting guarantees given by municipalities, the limits, form and nature of them and associated matters;
- (e) respecting the content or form of anything required to be done by a municipality under this Act.

Ministerial
directions for
information

357 The Minister may direct a chief administrative officer to supply any statistical information and documents required by the Minister.

Altering dates

358(1) When a date is fixed by this Act or regulations under it, or under a bylaw, on which or by which

- (a) certain things are to be done, or
- (b) certain proceedings are to be taken,

and the day is a holiday, the things or proceedings must be done or taken on or by the next day after the day fixed that is not a holiday.

(2) When this Act fixes a certain number of days or a certain time

- (a) by which something is to be done, or
- (b) proceedings are to be taken,

and the thing is not done, the Minister may by order appoint a further time or another time for doing it.

(3) An order under subsection (2) may be made at any time before or after the time fixed by this Act for the doing of the thing and the time for doing any other thing which has been fixed in relation to that time is subject to a like delay.

(4) Anything done at or within the time specified in the order is as valid as if it had been done at or within the time fixed by or under this Act.

Regulations
Act does not
apply to
directives

359 The *Regulations Act* does not apply to directives of the Minister under this Act.

Division 2 Advertising

Requirements for advertising

360(1) The requirements for advertising in this Division apply unless this or another enactment specifies otherwise.

(2) When this or another enactment requires a bylaw, resolution, public meeting, public hearing or something else to be advertised by a municipality, notice of it must be

- (a)** published at least once a week for 2 consecutive weeks and at least 6 days before the public meeting or hearing in at least one newspaper or other publication circulating in the area to which the proposed bylaw, resolution or other thing relates, or in which the meeting is to be held, or
- (b)** mailed or delivered to every residence in the area to which the proposed bylaw, resolution or other thing relates, or in which the meeting is to be held.

(3) The notice must contain

- (a)** a statement of the general purpose of the proposed bylaw, resolution, public meeting, public hearing or other thing,
- (b)** the address where a copy of the proposed bylaw, resolution or other thing, and any document relating to it or to the meeting may be inspected,
- (c)** in the case of a bylaw or resolution, an outline of the procedure to be followed by anyone wishing to file a petition in respect of it, and
- (d)** in the case of a public meeting or public hearing, the date, place and time where it will be held.

(4) A certificate of a designated officer certifying that something has been advertised in accordance with this section is *prima facie* proof of the matters set out in the certificate.

(5) The certificate is admissible in evidence without proof of the appointment or signature of the designated officer.

When
advertisement
must take
place

361(1) If this or another enactment requires

- (a) a proposed bylaw to be advertised, it must be advertised before second reading, or
- (b) a proposed resolution to be advertised, it must be advertised before it is voted on by council.

(2) If this or another enactment requires a bylaw to be advertised, an amendment or repeal of that bylaw must also be advertised.

Division 3 Boundaries

Actual location
of specific
boundaries

362(1) Where the boundary of a municipality is described by reference to the boundary of a township or section of surveyed land along which a road allowance runs, the boundary is the side of the road allowance on which monuments or posts are placed under any survey, except in the case of correction lines or where the description otherwise specifies.

(2) In the case of correction lines, the boundary is the south side of the road allowance.

(3) Where a road or road allowance is the boundary of a municipality and land is acquired to widen the road or road allowance, the land acquired automatically falls within that boundary.

(4) A road or road allowance between an Indian Reserve and a municipality is in the municipality despite anything to the contrary in this section.

(5) Where a boundary of a municipality is described by reference to a river, the boundary is the right bank of the river facing downstream unless the description otherwise specifies.

(6) In subsection (1),

- (a) “survey” means a survey made under the *Surveys Act* or the *Canada Lands Surveys Act*;
- (b) “surveyed land” means land that has been the subject of a survey under the *Surveys Act* or the *Canada Lands Surveys Act*.

Division 4 Other Rules

**Adverse
possession of
land**

363 No person can acquire an estate or interest in land owned by a municipality by adverse or unauthorized possession, occupation, enjoyment or use of the land.

**Lost or
unclaimed
property**

364(1) Lost or unclaimed property coming into the possession of a municipality must be retained for at least 45 days from the date it comes into possession of the municipality unless it is unsafe, unsanitary or perishable, in which case it may be disposed of at any time.

(2) If property is not claimed within 45 days it becomes the property of the municipality and the municipality may dispose of the property by public auction or as the council directs.

(3) The purchaser of lost or unclaimed property at an auction, or otherwise, becomes the absolute owner of it and any claim of a prior owner is converted into a claim for the proceeds of the sale, after all expenses incurred by the municipality in relation to that property have been deducted from the sale proceeds.

(4) If no claim is made on the sale proceeds within one year from the date of sale, the proceeds must be transferred to the general revenue of the municipality.

**Unclaimed
utility deposits**

365(1) If money is deposited with a municipality as a guarantee deposit for the payment of account for a service or product and remains unclaimed for one year after the depositor's account is discontinued, the amount of the deposit may be transferred to the general revenue of the municipality.

(2) The municipality remains liable to repay the amount of the deposit to the person lawfully entitled to it for a period of 5 years following the discontinuance of the account but after the 5-year period the deposit becomes the property of the municipality free from any claim for it.

**Certified
copies**

366(1) A copy of a bylaw, resolution or record of a municipality having endorsed on it a certificate purporting to be signed by a designated officer, stating that the copy is a true copy, is admissible in evidence as proof of it without proof of the bylaw, resolution or record or the appointment or signature of the designated officer.

(2) When a copy of a bylaw or resolution certified in accordance with subsection (1) is filed with the clerk of the court, the court must take judicial notice of it when an action is brought in the court.

Division 5

Local Governance Commission

Local
Governance
Commission -
formation and
composition

367(1) The Local Governance Commission is established as a corporation consisting of its members.

(2) On the recommendation of the Minister, the Lieutenant Governor in Council may appoint, as members of the Governance Commission, a person to chair the Governance Commission and any other persons considered necessary.

(3) Before making any recommendation to the Lieutenant Governor in Council about the membership of the Governance Commission, the Minister shall consult the presidents of the municipal associations.

(4) The term of office of a member of the Governance Commission, including the chair of the Governance Commission, shall be fixed by the Lieutenant Governor in Council.

(5) Members of the Legislative Assembly, the House of Commons, the Senate or an elected authority as defined in the *Local Authorities Election Act* are not eligible to become or to remain members of the Governance Commission.

(6) The Lieutenant Governor in Council may, on the recommendation of the Minister, remove or suspend the chair or a member if the Minister consults the presidents of the municipal associations before the removal or suspension.

Payments to
members

368 The Governance Commission shall pay the chair of the Governance Commission and other members, at the rates specified by the Minister, for their services and for their reasonable and necessary travelling and living expenses while absent from their ordinary places of residence in the course of their duties.

Governance
Commission's
expenses

369 The expenses of the Governance Commission are to be paid out of money appropriated by the Legislature for that purpose.

370(1) The purposes of the Governance Commission are

- (a) to assist in negotiating agreements between municipal authorities,
- (b) to assist in resolving disagreements or to initiate or pursue the resolution of any dispute between municipal authorities,
- (c) to review or make recommendations on the formation, annexation, amalgamation, change in status and dissolution of municipal authorities or any related matter,
- (d) to perform any other function given to it by this or any other enactment or by the Minister, and
- (e) with the agreement of the Governance Commission, to perform any other function requested by a municipal authority.

(2) Subsection (1)(b) does not apply to the resolution of a matter or dispute

- (a) if section 44 of the *Planning Act* applies, or
- (b) if a mechanism for the resolution is provided for in another enactment, unless the authority administering that mechanism requests the Governance Commission to undertake the function.

(3) In carrying out its purposes, the Governance Commission

- (a) may do anything necessary to
 - (i) facilitate negotiations to reach an agreement on any matter, or
 - (ii) to resolve any dispute,including where appropriate to act as or to designate or appoint a person as arbitrator, conciliator, facilitator or fact finder, and
- (b) may conduct investigations, analyze local needs, conduct hearings or public meetings, make findings of fact and recommendations.

(4) The Governance Commission is to be generally guided by any principles, standards or criteria established by the Minister, either generally or about a particular matter.

(5) Where municipal authorities have made an agreement respecting their common boundaries and the Governance Commission is requested to make a report which affects the common boundaries, the Governance Commission shall consider the terms of the agreement if the agreement has been filed with it.

Governance
Commission's
procedures

371(1) The Governance Commission

- (a) may make rules of procedure for the conduct of its affairs and the conduct of any hearings,
- (b) must keep records of its proceedings, and
- (c) may charge fees for its services.

(2) A majority of the members of the Governance Commission holding office from time to time constitute a quorum.

(3) The Governance Commission may authorize a panel consisting of not fewer than 3 of its members to act as the Governance Commission in all respects.

(4) The temporary absence of a member of the Governance Commission from a hearing or public meeting does not disqualify the member from participation in the report.

Notice to
municipality

372 If the Governance Commission assists a municipal authority in the negotiation of any agreement or the resolution of any dispute with another municipal authority, the Governance Commission shall notify all local authorities affected by the proposed agreement or dispute.

Termination of
negotiation

373 Unless all or a majority of the parties agree that the negotiations should continue or resume, the Governance Commission shall terminate negotiations in which it is involved if

- (a) it finds that none of the parties are willing to continue to negotiate,
- (b) 3 months have elapsed during which there has been no substantial progress in the negotiations, or

(c) 12 months have elapsed since the original request.

Costs of
assistance

374(1) In this section, “costs” means the costs to the Governance Commission of contracting for services required for the preparation of reports or facilitating negotiations but does not include the normal operating expenses of the Commission.

(2) Costs incurred before an application is made under Part 2 are the responsibility of the municipal authority that made the request or commenced the procedure, unless otherwise agreed to by other affected municipal authorities.

(3) Costs other than those referred to in subsection (2) are the responsibility of the affected municipal authorities.

(4) Where 2 or more municipal authorities cannot agree on the amount to be paid by each of them for the costs, any one of them may apply to the Governance Commission to decide the matter.

(5) The Governance Commission may appoint an arbitrator under the *Arbitration Act* to decide the matter or the Governance Commission may make the decision itself.

(6) In making the decision the Governance Commission or the arbitrator, as the case may be, may take into account the actions or omissions of the parties during the negotiations.

(7) A decision under this section that a municipality is liable to another municipality for any of the costs constitutes a debt due to that municipality and is recoverable in an action in debt.

Implementa-
tion of
Commission
recommen-
dations

375(1) Where the Governance Commission has made a recommendation to a municipal authority, the Commission may apply to the Minister for an order to implement the recommendation.

(2) On receiving a recommendation, the Minister may if the Minister is of the opinion that the recommendation should be implemented make any orders the Minister considers necessary to implement the recommendations.

(3) A municipal authority to which the order is applicable must comply with the order.

PART 11

TRANSITIONAL PROVISIONS, CONSEQUENTIAL AMENDMENTS, REPEAL AND COMMENCEMENT

Division 1 Charters

Calgary
Charter

376 *The provisions of the Calgary Charter relating to the land, buildings, plants and equipment of the water supply and distribution system commonly known as the Glenmore Dam, and the provisions of the Calgary Charter relating in particular to the assessment and taxation of it by the Municipal District of Springbank, continue to apply.*

Edmonton
Charter

377 *The provisions of the Edmonton Charter relating to*

- (a) the exclusive franchise for the sale of natural gas held by Northwest Utilities Limited, and*
- (b) exemptions and fixed taxation for hotels contained in section 221(35) of the Edmonton Charter,*

continue to apply.

Royal
Alexandra
Hospital

378 *The Royal Alexandra Board of Governors, incorporated by section 35 of The City Act, SA 1963 c9, is continued as a corporation under the name "Royal Alexandra Hospital", and without restricting the powers it may exercise, the corporation, subject to the bylaws of the City of Edmonton and any Act or regulation made under the Act, may*

- (a) manage, control and operate the Royal Alexandra Hospital, Edmonton, and other hospitals that it is authorized to manage, control and operate,*
- (b) own any or all of the real property and personal property from time to time constituting the Royal Alexandra Hospital and any other hospital that it is authorized to manage, control and operate, with the power to deal with and dispose of the property in the ordinary course of managing, controlling and operating the hospitals or any of them, and*
- (c) carry on educational activities and provide educational facilities related to the care and treatment of persons suffering illness, injury or*

disability or relating to the promotion of health and, in particular, but not so as to restrict the generality of the foregoing, conduct a school of nursing.

Division 2

Transition from Former Acts to this Act

- Definitions** **379** *In this Division,*
- (a) “former Municipal Government Act” means the Municipal Government Act, RSA 1980 cM-26;*
 - (b) “former Municipal Taxation Act” means the Municipal Taxation Act, RSA 1980 cM-31.*
- Transitional regulations** **380** *The Minister may make regulations*
- (a) respecting the conversion of anything from the former Municipal Government Act or former Municipal Taxation Act to this Act;*
 - (b) to deal with any difficulty or impossibility resulting from this Act or the transition from the former Municipal Government Act or former Municipal Taxation Act to this Act.*
- Annexations in process** **381** *An annexation application made but not completed when this section comes into force is to continue until the matter is finally decided as if this Act had not come into force and the former Municipal Government Act had stayed in force.*
- Authorizations** **382** *Licences, permits, approvals and authorizations issued under bylaws or resolutions made under the former Municipal Government Act continue as if they had been made under this Act.*
- Bylaws** **383** *A bylaw passed by a council under the former Municipal Government Act or former Municipal Taxation Act continues with the same effect as if it had been passed under this Act.*
- Resolutions and other decisions** **384** *Resolutions and other decisions made by or in respect of a municipality or a council under the former Municipal Government Act or former Municipal Taxation Act continue with the same effect as if they had been made under this Act.*

Municipalities
continued

385 *A city, town, village, summer village or municipal district in existence immediately before the coming into force of this section*

- (a) continues as a municipality with the same status under this Act, and*
- (b) has the same functions, powers and duties of a municipality established under this Act,*

as if it had been incorporated under this Act.

Contracts

386 *Agreements and contracts, including weather modification agreements, agreements under section 113 of the former Municipal Government Act and long term supply contracts, exclusive rights and franchises are continued according to their terms, subject to any special provision of this Act that affects them.*

Agreements
under M-31
s17
(franchises)

387 *Nothing in this Act abrogates anything in an agreement made under section 17 of the former Municipal Taxation Act.*

Funds and
reserves
under the
former Act

388(1) *Money paid into or required to be kept in a particular fund or special reserve in accordance with the former Municipal Government Act or former Municipal Taxation Act must*

- (a) be accounted for separately, and*
- (b) only be spent for the purpose for which the reserve or fund was established or for which the money was paid.*

(2) If the purpose of the particular fund or special reserve or the purpose for which the money was collected or retained is fulfilled, is no longer necessary or is no longer required, the council may authorize the fund or reserve to be closed and the money in it to be used for some other purpose, or for general municipal purposes.

(3) A bylaw or resolution under subsection (2) must be advertised.

Variation of
provisions

389 *If a special provision or exception of another enactment is applicable to an individual city, the provisions of this Act are varied only insofar as is necessary to give effect to the special provision or exception.*

Division 3
Consequential Amendments, Repeal and Commencement

Consequential
amendments

390(1) *The Agricultural Pests Act is amended in section 1(i)*

- (a) by repealing subclause (i);*
- (b) by repealing subclause (iii) and substituting the following:*
 - (iii) in any other municipality, the chief administrative officer or designated officer of the municipality;*

(2) The Agricultural Relief Advances Act is amended in sections 18(3)(b), 20(1) and 26 by striking out “secretary-treasurer” and substituting “chief administrative officer or designated officer”.

(3) The Clean Air Act is amended in section 13(8) by striking out “does not require the assent of the proprietary electors” and substituting “does not require advertising in accordance with the Municipal Government Act”.

(4) The Clean Water Act is amended in section 14(8) by striking out “does not require the assent of the proprietary electors” and substituting “does not require advertising in accordance with the Municipal Government Act”.

(5) The Consumer Credit Transactions Act is amended in section 2(n) by striking out “taxes under the Municipal Taxation Act” and substituting “taxes under the Municipal Government Act”.

(6) The County Act is amended

- (a) in section 3(5)*
 - (i) by repealing clause (b);*
 - (ii) in clause (d) by striking out “mayor” and substituting “chief elected official”;*
- (b) in section 11(1) by striking out “reeve” and substituting “chief elected official”;*
- (c) in section 13*
 - (i) in subsection (1) by striking out “elect a reeve” and substituting “elect a chief elected official”;*

(ii) *in subsection (2) by striking out “reeve is the chief executive officer of the county and all the rights, duties, privileges and powers of the reeve of a municipality” and substituting “chief elected official of the county has all the rights, duties, privileges and powers of the chief elected official of a municipality”;*

(d) *in section 15*

(i) *in clause (a)*

(A) *by striking out “a county secretary” and substituting “a designated officer, who may be known as a county secretary,”;*

(B) *by striking out “municipal secretary” and substituting “designated officer”;*

(ii) *in clause (b) by striking out “county secretary” and substituting “designated officer”;*

(e) *in section 37(2)(a) by striking out “section 93 of the Municipal Taxation Act” and substituting “the Municipal Government Act”.*

(7) *The Crop Liens Priorities Act is amended in section 1*

(a) *in clause (d) by striking out “section 129 of the Municipal Taxation Act” and substituting “section 226 of the Municipal Government Act”;*

(b) *in clause (e) by striking out “ and sections 263 to 275 of the Municipal Government Act”.*

(8) *The Crown Cultivation Leases Act is amended*

(a) *in section 2 by striking out “assessment and taxation under the Municipal Taxation Act” and substituting “valuation and assessment under the Property Assessment Act and taxation under the Municipal Government Act”;*

- (b) *in section 4(1), (2) and (4) by striking out “Municipal Taxation Act” and substituting “Property Assessment Act”.*

(9) *The Department of Municipal Affairs Act is amended in section 13(6)*

- (a) *by striking out “either” after “copy of it on”;*
- (b) *in clause (a) by striking out “chief officer” and substituting “chief elected official”;*
- (c) *by striking out “or” at the end of clause (a) and by repealing clause (b).*

(10) *The Drainage Districts Act is amended*

- (a) *in section 1(1) by repealing subclause (i) and substituting the following:*
 - (i) *in a municipality other than an improvement district or special area, the chief administrative officer or a designated officer, or*
- (b) *in sections 14(1) and 26(a) by striking out “secretary of each municipality” and substituting “municipal secretary”;*
- (c) *in sections 14(2) and 25(5) by striking out “municipal taxes” and substituting “local taxes”;*
- (d) *in section 25(4) by striking out “municipal tax” and substituting “local tax”.*

(11) *The Fire Prevention Act is amended*

- (a) *in section 4(1)(b), (3) and (4) by striking out “mayor, reeve” and substituting “chief elected official of a municipality”;*
- (b) *in section 17(1) by repealing clauses (a) and (b) and substituting the following:*
 - (a) *in a municipality other than an improvement district or special area, the chief administrative officer or a designated officer, or*

(12) The Forest and Prairie Protection Act is amended in section 4(3) by striking out “reeve, each councillor and the secretary is by virtue of his office” and substituting “chief elected official, each councillor and the chief administrative officer are by virtue of their offices”.

(13) The Hail and Crop Insurance Act is amended in section 18(4) by striking out “Municipal Taxation Act” and substituting “Municipal Government Act”.

(14) The Highway Traffic Act is amended

- (a) in section 16(1)(b) by striking out “municipal commissioners or any municipal official or employee” and substituting “chief administrative officer or designated officer”;*
- (b) in section 16(1)(x) by striking out “municipal commissioners or municipal manager” and substituting “chief administrative officer or designated officer of a municipality”.*

(15) The Hospitals Act is amended

- (a) in section 1*
 - (i) by adding the following after clause (g):*
 - (g.1) “elector” has the same meaning as in the Municipal Government Act;*
 - (ii) by repealing clause (o.2);*
- (b) in sections 14(j) and (k), 15(a) and 16(11) and (12) by striking out “proprietary electors” and substituting “electors”.*

(16) The Hydro and Electric Energy Act is amended in section 26(4)(c)(ii)(A) by striking out “section 279 or 281 of”.

(17) The Improvement, Districts Act is amended

- (a) in section 7(1) by striking out “Municipal Taxation Act” wherever it occurs and substituting “Municipal Government Act”;*
- (b) in section 9(4)(b) and (c) by striking out “Municipal Taxation Act” and substituting “Municipal Government Act”;*

- (c) *in section 11 by striking out “Municipal Taxation Act” and substituting “Municipal Government Act”.*

(18) The Jury Act is amended in section 1(j) by striking out “municipal secretary” and substituting “chief administrative officer or designated officer”.

(19) The Libraries Act is amended

- (a) *in section 9(2)(b) by striking out “section 125 of”;*
(b) *in sections 9(3), 14(2) and 41 by striking out “municipal secretary” and substituting “chief administrative officer or designated officer”.*

(20) The Livestock Diseases Act is amended in section 6(1) by striking out “section 260 of ”.

(21) The Lloydminster Hospital Act is amended

- (a) *in section 17(3) by adding “chief administrative officer, designated officer” before “secretary-treasurer”;*
(b) *in section 29 by adding “local or” before “municipal taxes”;*
(c) *in section 44 by adding “chief administrative officer, designated officer or” before “secretary-treasurer”;*
(d) *in section 47(1) by adding “, chief administrative officer, designated officer” after “secretary-treasurer”.*

(22) The Local Authorities Board Act is amended

- (a) *in section 42(2)(a) by striking out “head of the municipality or to the clerk or secretary” and substituting “chief administrative officer or a designated officer”;*
(b) *in section 115(1)(a) by striking out “mayor, reeve” and substituting “chief elected official, chief administrative officer, designated officer”.*

(23) The Local Authorities Election Act is amended

- (a) *in section 1(t) by striking out “municipal secretary or” and substituting “chief administrative officer or designated officer of a municipality or a”;*
- (b) *in section 17 by striking out “mayor, reeve” and substituting “chief elected official of a municipality”;*
- (c) *in sections 42(1)(a), (2)(a) and (4) and 59(a) by striking out “mayor” and substituting “chief elected official”.*

(24) The Local Tax Arrears Consolidation Act is amended

- (a) *in section 1(l) by striking out “city clerk of a city, the secretary-treasurer of a” and substituting “chief administrative officer or a designated officer of a city,”;*
- (b) *in section 6(3) by striking out “mayor or reeve” and substituting “chief elected officer”.*

(25) The Maintenance Order Act is amended in section 4(1)(b) by striking out “mayor or reeve” and substituting “chief elected official”.

(26) The Municipal and School Administration Act is amended in section 15

- (a) *in subsections (1) and (2) by striking out “commissioners” and substituting “designated officers”;*
- (b) *in subsections (1) and (2) by striking out “commissioner” and substituting “designated officer”.*

(27) The Municipalities Assessment and Equalization Act is amended in section 21(1) and (4) by striking out “municipal secretary or clerk” and substituting “chief administrative officer or a designated officer”.

(28) The New Towns Act is amended

- (a) *in section 6(1) by striking out “section 25 of”;*
- (b) *by repealing section 11 and substituting the following:*

11 A board of administrators shall appoint a chief administrative officer and other designated officers in accordance with the *Municipal Government Act*.

- (c) *in section 17 by striking out “Municipal Taxation Act” and substituting “Municipal Government Act”.*

(29) *The Planning Act is amended*

(a) *in section 1*

- (i) *in clause (i)(vi) by striking out “section 113 of”;*
- (ii) *in clauses (k)(i) and (m) by adding “, rural district” after “summer village”;*
- (iii) *in clause (p.1)(i) by adding “, rural district” after “village”;*

(b) *in section 26*

- (i) *in subsection (4)(a) by striking out “proposed annexation” and substituting “annexation for which an annexation application was submitted prior to the repeal of the *Municipal Government Act*, RSA 1980 cM-26”;*

- (ii) *by adding the following after subsection (4):*

(5) On and after the repeal of the *Municipal Government Act*, RSA 1980 cM-26 a regional planning commission may, or at the request of the Minister, a council or the Local Governance Commission shall,

- (a) submit suggestions with respect to a matter under Part 2 of the *Municipal Government Act*, or
- (b) attend a hearing of the Local Governance Commission and speak to any matter before it,

or both.

(c) *in section 78*

- (i) *in subsection (2)(c) by striking out “as defined in the Municipal Government Act”;*
- (ii) *by adding the following after subsection (6):*

(7) In this section, “mobile unit” means a structure whether ordinarily equipped with wheels or not, that is constructed or manufactured to be moved from one point to another by being towed or carried and to provide living accommodation for one or more persons.

- (d) *in section 110.1(1) by striking out “section 126 of”;*
- (e) *in section 139(3)(d)(ii) by repealing paragraph (B) and substituting the following:*

(B) any related documents

- (f) *in section 140 by repealing subsection (3) and substituting the following:*

(3) The eligibility of a member of council to vote on a proposed by-law shall be determined in accordance with the *Municipal Government Act*.

- (g) *in section 143 by striking out “2 months” and substituting “60 days”;*
- (h) *in section 145(1)(j) by adding the following after subclause (iii):*

(iv) money received from the sale or other disposal of an environmental reserve, municipal reserve, school reserve or municipal and school reserve;

- (i) *in section 154 by striking out “\$2500” and substituting “\$10 000”.*

(30) *The Police Officers Collective Bargaining Act is amended in section 41(1)(b)(i) and (ii) by striking out “municipal secretary or municipal solicitor” and substituting “chief administrative officer or a designated officer”.*

(31) *The Property Tax Reduction Act is amended in section 1(a)*

- (a) *in subclause (i) by striking out “city clerk” and substituting “chief administrative officer, designated officer”;*
- (b) *in subclause (ii) by striking out “secretary” and substituting “chief administrative officer or a designated officer”.*

(32) The Provincial Court Act is amended in section 42(3) by striking out “mayor, reeve, chairman, clerk, secretary, secretary-treasurer” and substituting “chief elected official, chairman, chief administrative officer or designated officer”.

(33) The Provincial Offences Procedure Act is amended

- (a) *in section 24(4)(b) by striking out “mayor, reeve or other chief officer of the municipality or to the clerk of the municipality” and substituting “chief elected official, chief administrative officer or designated officer of the municipality”;*
- (b) *in section 30(4)(b) by striking out “mayor, reeve or other chief officer of the municipality or to the clerk” and substituting “chief elected officer or chief administrative officer or a designated officer”.*

(34) The Public Health Act is amended in section 73

- (a) *in subsection (1)*
 - (i) *by repealing clause (a);*
 - (ii) *in clause (b) by striking out “the secretary, in the case of a” and substituting “the chief administrative officer or a designated officer in the case of a city,”;*
- (b) *in subsection (5)(b) by striking out “Municipal Taxation Act” and substituting “Municipal Government Act”.*

(35) The Public Highways Development Act is amended

- (a) *by adding the following after section 18:*

Roads in Municipalities

Title to roads

18.1(1) The title to all roads in a municipality, other than a city, is vested in the Crown in right of Alberta.

(2) The title to all roads in a city is, except as far as is excluded by a special Act or an agreement, vested in the city.

(3) Nothing in this section gives a municipality title to mines and minerals.

Disposal of estate or interest in roads

18.2(1) Subject to any special Act or agreement, the council of a city has the power and is deemed always to have had the power to dispose of an estate or interest in a road in the city so long as the disposition does not amount to a sale or lease or require a road closure under section 37.1.

(2) No estate or interest disposed of under subsection (1) may be registered in a land titles office.

Control of roads

18.3(1) Subject to any other Act, a municipality has the direction, control and management of the roads within the municipality.

(2) Nothing in this section gives a municipality the direction, control and management of mines and minerals.

(b) *by adding the following after section 37:*

PART 2.1

ROAD CLOSURES IN MUNICIPALITIES

Road closure by by-law

37.1(1) No road in a municipality that is subject to the direction, control and management of the municipality may be closed except by by-law.

(2) A by-law closing a road made by the council of a municipality that is not a city has no effect unless it is approved by the Minister of Transportation and Utilities before the by-law receives first reading.

(3) A by-law closing a road must be advertised in accordance with the requirements for advertising in the *Municipal Government Act*.

(4) Before passing the by-law closing the road, a person who claims to be affected prejudicially by the by-law or that person's agent must be afforded an opportunity to be heard by the council

Compensation

37.2(1) Any person who occupies, owns or is otherwise interested in land that sustains damages through the closing of a road by by-law must be compensated for the damages.

(2) If the municipality is not able to agree with the claimant on the amount of compensation, the compensation must be determined by the Land Compensation Board.

Leases

37.3(1) The whole or any portion of a road that was, on December 31, 1968, subject to a lease granted pursuant to Alberta Regulation 617/57 or Alberta Regulation 650/57 is deemed to have been closed on that date by by-law.

(2) Subject to the rights of any lessee of any lease referred to in subsection (1), the council may, by by-law, reopen the whole or any portion of the road.

(3) If the whole or a portion of a road is reopened, the council must send a copy of the by-law to the Minister of Transportation and Utilities.

Closure of
unnecessary
road

37.4 Despite section 37.1, the council of a municipal district may by resolution, with the approval of the Minister of Transportation and Utilities, close the whole or any part of a road described in a surveyed road plan that the council determines is no longer required for use by the travelling public owing to the existence of an alternate route.

Temporary
road closure

37.5 Despite section 37.1, a council by resolution or a designated officer if authorized by resolution of the council may temporarily close the whole or a part of a road at any time that a construction or maintenance project on or adjacent to the road may create a hazard.

(36) *The Public Safety Services Act is amended in section 8(e)*

(a) *by adding "that is not advertised" after "by-law";*

- (b) *by striking out “, without the consent of the electors,”.*

(37) The Public Utilities Board Act is amended

- (a) *in section 28(3) by striking out “section 281(2)(c) of”;*
- (b) *in section 43(2)(a) by striking out “head of the municipality or to the clerk, secretary or administrator” and substituting “chief elected official of the municipality or to the chief administrative officer or designated officer”.*

(38) The Public Works Act is amended in section 28(1)(a) by striking out “clerk or secretary-treasurer” and substituting “chief administrative officer”.

(39) The Recreation Development Act is amended in section 6 by striking out “Notwithstanding section 93(1) of the Municipal Taxation Act” and substituting “Notwithstanding the Municipal Government Act”.

(40) The Safety Codes Act is amended in section 51(2) by striking out “Municipal Taxation Act” and substituting “Municipal Government Act”.

(41) The Social Development Act is amended in section 25(1)(a) by striking out “secretary-treasurer” and substituting “chief administrative officer or designated officer”.

(42) The Tax Recovery Act is amended in section 1

- (a) *by repealing clause (c) and substituting the following:*

- (c) *“chief officer” includes the chief elected official of a city, town, village, county or municipal district and, in the case of an improvement district, the Minister;*

- (b) *in clause (p) by striking out “treasurer or secretary-treasurer” and substituting “chief administrative officer or a designated officer”.*

(43) The Telecommunications Act is amended in section 22 by striking out “Part 7 of”.

(44) The Uniform Building Standards Act is amended in section 1(b) by repealing subclauses (i) and (ii) and substituting the following:

- (i) in a municipality other than an improvement district or special area, the chief administrative officer or a designated officer, or*

(45) The Water Resources Act is amended in section 16(1) by striking out “secretary-treasurer” and substituting “chief administrative officer or a designated officer”.

(46) The Weed Control Act is amended in section 1(1)(j)

- (a) by repealing subclause (i) and substituting the following:*

- (i) in a municipality other than an improvement district or special area, the chief administrative officer or a designated officer, and*

- (b) by striking out “and” at the end of subclause (ii) and by repealing subclause (iii).*

Consequential
amendments

391(1) *In the following provisions, “reeve” is struck out wherever it occurs and “chief elected official” is substituted:*

Act	Section Number
Agricultural Service Board Act	7(6)
Livestock Diseases Act	3(1)(a)
Municipal District of Badlands No. 7 Incorporation Act	2(1)
Municipal District of Bighorn No. 8 Incorporation Act	2(1)
Municipal District of Brazeau No. 77 Incorporation Act	2(1)
Municipal District of Clearwater No. 99 Incorporation Act	2(1)
Municipal District of Cypress No. 1 Incorporation Act	2(1)

(2) In the following provisions, “mayor” is struck out wherever it occurs and “chief elected official” is substituted:

Act	Section Number
Crowsnest Pass Municipal Unification Act	2(1), 3(1)
Motor Transport Act	53(1), (2), (3)
Municipal and School Administration Act	6(1)(b), 8(1)
New Towns Act	9(2)

Repeal

392 *The following Acts are repealed:*

- (a) *Crown Property Municipal Grants Act;*
- (b) *Municipal Government Act;*
- (c) *Municipal and Provincial Properties Valuation Act;*
- (d) *Municipal Tax Exemption Act;*
- (e) *Water, Gas and Electric Companies Act.*

Coming into
force

393(1) *This Act comes into force on Proclamation.*

(2) *If this Act comes into force before or at the same time that section 70(9) of the Safety Codes Act comes into force, section 70(9) of the Safety Codes Act is repealed.*

SCHEDULE

Examples of bylaws that may be passed under the spheres of jurisdiction under Part 1, Division 2

Sphere of Jurisdiction	Examples
the protection of persons and property and the regulation of nuisances	<ul style="list-style-type: none"> (a) regulate hazards, dangerous activities or things to be prevented or removed, including clearing sidewalks of snow and ice; (b) authorize removal of dangerous or hazardous things by municipal employees at the cost of the person named in the bylaw; (c) establish curfews for children; (d) regulate disorderly conduct; (e) prohibit the discharge of firearms; (f) regulate the sale of firecrackers; (g) establish fire protection areas in rural municipalities; (h) require drainage ditches to be kept clear of obstructions and allow municipal action if they are not cleared; (i) provide for weed control and mosquito control.
the regulation of gatherings of people and any activity or thing in a public place or place that is open to the public	<ul style="list-style-type: none"> (a) regulate activities in parks; (b) establish speed limits and pedestrian crosswalks in parks; (c) require permits for parades, exhibitions, shows or events; (d) require security and medical personnel at sports events or contests; (e) regulate billboards, the posting of placards and advertising;

	(f) regulate places of amusement, entertainment and athletic events;
	(g) regulate activities or other things at or near intersections or along roads that could limit visibility or distract drivers;
	(h) establish malls and promenades.
the regulation of transport and transportation systems	(a) regulate public transit systems; (b) to the extent that they are not in conflict with a law of the Parliament of Canada, regulate airports, floatplane bases and railways and the operation of them, including the speed of trains across roads.
the regulation of business, business activities and persons engaged in business	(a) regulate taxis and limousine services; (b) regulate vendors of food and drink; (c) regulate trades and occupations; (d) regulate salespersons and the sale of goods; (e) regulate hotels and other places of public accommodation; (f) regulate cemetery, crematorium and columbarium services; (g) regulate business licensing generally; (h) regulate opening and closing hours of retail businesses; (i) restrict or prohibit the carrying on of a business in a part of the municipality.
the regulation of services, public utilities or other activities that are necessary or desirable for persons or property	(a) regulate water supply, distribution, drainage and irrigation services and systems; (b) regulate electrical, gas and communications services and systems; (c) regulate sanitary sewage collection, treatment and disposal services and systems;

the regulation of wild and domestic animals and activities in relation to them

- (d) regulate a person's use of a public utility.
- (a) regulate animals in public places;
- (b) regulate zoos and pet shops;
- (c) require the licensing of dogs and cats;
- (d) regulate ownership of exotic animals;
- (e) regulate animals to prevent the spread of animal diseases that are communicable to humans;
- (f) prohibit cruelty to animals.

the regulation of any activity or thing that endangers or affects the safety, health or convenience of others

- (a) provide for the fluoridation of the municipality's water supply;
- (b) regulate smoking in public places;
- (c) provide for measures to control the spread of communicable diseases;
- (d) regulate enclosures for swimming pools;
- (e) regulate wells, springs and other sources of water for the municipality;
- (f) regulate sanitation in places where food is prepared or processed for sale to the public;
- (g) regulate the sale, distribution and packaging of food;
- (h) regulate bathing or washing in public waters;
- (i) require the removal of dirt, filth, rubbish or other matter dangerous to public health;
- (j) provide for medical inspections at schools and establish child welfare stations;
- (k) provide for the construction, acquisition and maintenance of hospitals;
- (l) regulate gas piping, steam fittings and electrical wiring;

	(m) regulate the use of cranes, hoists or other things that project or swing over public places.
the regulation of any activity or thing that endangers or affects the environment	(a) regulate solid and other waste collection, disposal and recycling services and systems.
respecting the establishment and collection of fees, costs, rates, tolls or charges for services, activities of or things provided or done by the municipality, or for the use of the municipality's property, including property under the direction, control and management of the municipality	<p>(a) establish the fees, rates, tolls or charges payable for a licence, permit, approval or other authorization;</p> <p>(b) state the method by which fees, rates, tolls or charges or the cost of services are to be calculated or assessed and the persons by whom and when they are to be paid;</p> <p>(c) establish penalties or interest for non-payment or late payment of money payable and discounts or other benefits for early payment.</p>
enforcement of bylaws	<p>(a) specify a minimum and maximum range of fines applicable to second and subsequent offences;</p> <p>(b) establish a minimum daily fine for every day that an offence continues;</p> <p>(c) provide that when conviction is for non-payment of fees payable to the municipality under a bylaw, the court may order payment of the fee in addition to the fine and costs;</p> <p>(d) establish the procedure for payment to a designated officer of an amount that may be accepted by the municipality instead of proceeding with prosecution;</p> <p>(e) establish a general penalty for contravention of any bylaw or any number of specified bylaws;</p>

- (f) allow for discounting a fine for prompt payment if the voluntary payment of a fine is authorized under section 42 of the Provincial Offences Procedure Act.

good government of
the municipality

- (a) conduct a census;
- (b) provide for a system of numbering of parcels and buildings;
- (c) provide that names and numbers of houses or dwelling units be displayed in a certain manner;
- (d) allow roads and areas to be named.

under any sphere

- (a) provide a system of granting permits, approvals, licences or similar authority and prohibiting any development, activity, industry, business or thing until the licence, permit, approval or authority has been granted;
- (b) provide that terms and conditions may be imposed on any permit, approval, licence or authority, the nature of the terms and conditions and who may impose them;
- (c) set out the conditions that must be met before a permit, approval, licence or authority is granted or renewed, the nature of the conditions and who may impose them;
- (d) provide for the duration and the suspension or cancellation of a licence, permit, approval or other authority for failure to comply with a term or condition or the bylaw or for any other reason specified in the bylaw;
- (e) provide for an appeal in respect of any matter referred to in bylaws, the body to decide the appeal and related matters;
- (f) prescribe forms or authorize them to be prescribed;

- (g) regulate any development, activity, industry, business or thing in different ways and may divide each of them into classes and regulate each class in different ways;
- (h) provide for any act or thing collateral or incidental to the exercise of a bylaw making power.



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